

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.26 of 2021

Arising Out of PS. Case No.-406 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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1. RAJDEEP SINGH Son of Prabhunath Singh Resident of Village - Bulaki Singh Chowk ward No. 11, Police Station - Bettiah Town (Kalibagh O.P.), District - West Champaran.
 2. Pankaj Singh @ Pankaj Kumar Son of Prabhunath Singh Resident of Village - Bulaki Singh Chowk ward No. 11, Police Station - Bettiah Town (Kalibagh O.P.), District - West Champaran.
 3. Abhay Singh @ Abhay Kumar Singh Son of Paras Singh Resident of Village - Bulaki Singh Chowk ward No. 11, Police Station - Bettiah Town (Kalibagh O.P.), District - West Champaran.
 4. Priyanshu Singh @ Priyanshu Raj Son of Abhay Singh Resident of Village - Bulaki Singh Chowk ward No. 11, Police Station - Bettiah Town (Kalibagh O.P.), District - West Champaran.
 5. Akashdeep Singh @ Akashdeep Kumar son of Late Dinesh Singh Resident of Village - Bulaki Singh Chowk ward No. 11, Police Station - Bettiah Town (Kalibagh O.P.), District - West Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Amit Kumar son of Subhash Das Resident of Purani Gudari, Ward No. 10, P.S.- Kalibagh O.P., District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Brij Kishor Mishra, Advocate
For the Respondent/s	:	Mrs.Usha Kumari No.1, Spl.P.P.
For the Informant	:	Mr.Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 28-06-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,



(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 29.08.2020, passed by learned 1st Additional District and Sessions Judge-cum- Spl. Judge, SC/ST, Bettiah, District-West Champaran, in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No.406 of 2020, registered under sections 341, 323, 379, 504, 506/34 of the IPC and sections 3(i)(r)(s) of the SC and ST Act.

The allegation against the appellants is that they abused and assaulted the informant by means of iron rod, Dab, fists and slaps.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is general and omnibus allegation against all the accused persons. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view and there is no specific allegation in the FIR that the appellants have abused the informant by taking caste name. Appellants have no criminal antecedent.



Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that there is specific allegation against the appellants that they assembled and assaulted the informant causing injury on the head.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellants to have abused the informant by taking caste name, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum- Spl. Judge, SC/ST, Bettiah, District-West Champaran, in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No.406 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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