

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3967 of 2021

Arising Out of PS. Case No.-266 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

1. TRIVENI RAI S/o SITAL RAI R/o VILLAGE-IBRAHIMPUR, P.S.-
RUNNISAIDPUR, DISTRICT-SITAMARHI.
2. RGHO RAI S/o SITAL RAI R/o VILLAGE-IBRAHIMPUR, P.S.-
RUNNISAIDPUR, DISTRICT-SITAMARHI.
3. VIJAY RAI S/o SITAL RAI R/o VILLAGE-IBRAHIMPUR, P.S.-
RUNNISAIDPUR, DISTRICT-SITAMARHI.
4. SITAL RAI S/o JHINGUR RAI R/o VILLAGE-IBRAHIMPUR, P.S.-
RUNNISAIDPUR, DISTRICT-SITAMARHI.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 28-07-2022 Learned counsel for the appellants is directed to

remove all the defects pointed out by the Stamp Reporter within

one month

Heard the learned counsel for the appellants and

learned counsel for the informant.

At the outset, learned counsel for the appellants has

submitted that during the pendency of this appeal, appellant nos.

3 and 4 have been arrested and, as such, the same has become

infructuous. He, therefore, seeks permission to withdraw this

appeal as against appellant nos. 3 and 4.



In view of the aforesaid submission, the appeal is dismissed as withdrawn as **having become infructuous as against appellant nos. 3 and 4.**

This appeal has been preferred on behalf of the appellant no.3 under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 26.08.2021, passed by the learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST, Sitamarhi, in connection with Runnisaidpur P.S.Case No. 266 of 2021, registered for the offences punishable under Sections 341, 323, 427 and 504/34 of the Indian Penal Code and Sections 3(i)(r) (s), 3(2) (va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

The informant made allegation that the accused persons parked their tractor in front of his house. He asked them to move their tractor therefrom. Thereafter, Shital Rai(arrested) abused him by calling his caste name. Co-accused Rambabu Rai abused the wife of the informant by calling her caste name. The allegation against appellant no.1 is that he abused the informant by calling his case name.

Learned counsel appearing on behalf of the appellants has submitted that appellant nos. 1 and 2 are persons of clean



antecedent. The dispute arose as the appellants parked their tractor in front of the house of the informant and some altercation took place between the parties. The matter cannot be said to have originated due to malicious feeling of caste.

On the other hand, learned counsel for the informant has opposed the prayer for bail and submitted that though the allegation against appellant no.2 is general and omnibus, but against appellant no.1 there is specific allegation that he abused the informant by calling his caste name.

The occurrence took place between the parties because the accused persons parked their tractor in front of the house of the informant and when he asked to move their tractor, this occurrence took place, which cannot be said to be malicious feeling of caste. As such, the provision of SC/ST Act does not attract *prima facie*.

Considering the facts and circumstances as well as the clean antecedents of appellant nos. 1 and 2, the appeal is allowed and the impugned order dated 26.08.2021 is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, appellant nos. 1 and 2, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like



amount each to the satisfaction of 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Runnisaidpur P.S.Case No. 266 of 2021.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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