

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.547 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- MAKER District- Saran

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BINDESHWARI SINGH S/O LATE BUDH RAM SINGH R/O VILLAGE-
WEST THAHARA, MAKER, P.S.-MAKER, DISTRICT-SARAN AT
CHAPRA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satya Prakash

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-03-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 02.11.2021, this Court has directed the
learned Spl.P.P. for the State to inform the concerned informant
of Maker P.S. Case No.65 of 2020 to tender his/her appearance
at the time of hearing of this appeal.

Learned Spl.P.P. for the State submits that he has already
informed the concerned Superintendent of Police, whereby, it
has been informed through the concerned Investigating Officer
that the informant has been informed about the order passed by
this Court on 02.11.2021, but nobody appears on behalf of the
informant today to argue the case.

Accordingly, the present appeal is being heard in absence



of counsel for the informant.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court functioning. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19.10.2020, passed by learned 1st Additional Sessions Judge-cum- Spl. Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Maker P.S. Case No.65 of 2020, registered under sections 147, 341, 323, 325, 307, 504, 506, 509 of the IPC and sections 3(1)(x) of the SC/ST (POA) Act.

Allegedly, the appellant along with other named accused persons came at the door of the informant and started abusing by caste name and on protest, they assaulted her with iron rod, lathi, stick, daab due to which she sustained head injury. It is further alleged that when the mother-in-law of the informant came for rescue, she was also assaulted by the accused persons.

It is submitted by learned counsel for the appellant that



the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to dirty village politics. There is no specific allegation of abuse and assault against the appellant rather there are general and omnibus allegations against all the accused persons. Therefore, no case under the SC/ST Act is made out against the appellant. It is further submitted that the injury sustained by the injured are simple in nature. There is an inordinate delay of three days in lodging the FIR, without any plausible explanation, which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that the appellant and other accused persons have abused the informant by taking caste name but fairly submits that the injuries are simple in nature.

Considering the facts and circumstances of the case, the appellant named above, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned



1st Additional Sessions Judge-cum- Spl. Judge, SC/ST (POA)
Act, Saran at Chapra, in connection with Maker P.S. Case No.65
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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