

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4924 of 2021**

Arising Out of PS. Case No.-117 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. RANJIT CHAURASIYA S/O LATE JAGDISH BHAGAT R/o village- Bathua, Buzurg, P.S.- Musrigharari, District- Samastipur
 2. SANJIT CHAURASIYA @ SANJIT KUMAR CHAURASIYA SON OF LATE JAGDISH BHAGAT R/o village- Bathua, Buzurg, P.S.- Musrigharari, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Uttam Sada Son of late Ram Kishun Sada Resident of village- Saraijanjan tola di, P.S.- Sarairanja, Dist- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Hussamuddin Azad
For the Respondent/s : Ms. Usha Kumari No. 1

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

ORAL ORDER

4 21-09-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 06.01.2020 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with



Complaint Petition bearing C.R. No. 117 of 2018, registered for offence punishable under sections 323, 342, 504, 448, 452, 307 of the Indian Penal Code and sections 3 (1) (A) (R) (S) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, when the complainant demanded his wages, the accused persons including the appellants abused him by calling his caste name. They also attempted to kill him by wrapping of *Gamchha* around his neck.

The notice has been received by the informant, but he did not appear.

The learned counsel for the appellants has submitted that the provisions of SC/ST Act are not applicable in this case, since the occurrence has taken place due to dispute regarding wages between the employer and the employees.

The learned Special Public Prosecutor has opposed the prayer for bail.

From perusal of order of learned 1st Additional Sessions Judge, Samastipur, it appears that cognizance has been taken against the appellants, as such, the anticipatory bail petition is not maintainable.

If the appellants surrender before the court below and



make a prayer for regular bail, that shall be disposed of on the same day of its filing. The learned court below may take notice of the fact that the occurrence has not taken place due to malicious feeling of caste, rather the genesis of occurrence is non-payment of wages and it is a dispute between the employer and the employees.

With these observations, the appeal is disposed of.

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

(Nawneet Kumar Pandey, J)

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