

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4010 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHUA District- Vaishali

-
-
1. Bisheswar Rai Son of Sonelal Rai Resident of Village - Bilandpur, P.S.- Mahua, District - Vaishali
 2. Sakaldeep Rai Son of Sonelal Rai (Real Name Late Basu Rai) Resident of Village - Bilandpur, P.S.- Mahua, District - Vaishali.
 3. Neeraj Rai @ Neeraj Kumar Son of Sonelal Rai Resident of Village - Bilandpur, P.S.- Mahua, District - Vaishali.
 4. Alok Rai @ Alok Kumar Son of Muneshwar Rai Resident of Village - Bilandpur, P.S.- Mahua, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Asha Devi Wife of Dilip Ram Resident of Village - Bakarpur, P.S.- Mahua, District - Vaishali at Hajipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-01-2022 Heard the parties through virtual court proceedings.

On 15.11.2021, informant was made respondent in this case and thereafter, notice was directed to be issued upon the respondent no.2. As per the office notes, notice has been validly served upon the respondent no.2 but today when the case is called out, nobody appears on behalf of the respondent no.2.

This is an appeal under section 14A (2) of the Scheduled Caste and Scheduled Tribe (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 10.07.2019, passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST) Act, Vaishali at Hajipur, in connection with Mahua P.S. Case No.05 of 2019, registered under sections 341, 323, 379, 427, 504/34 of the Indian Penal Code read with sections 3(i)(r)(s) of the SC/ST Act.

The prosecution case in short is that the FIR named accused persons including the appellants and 50 persons entered into the house of the informant and assaulted her and other family members. It is alleged that they also looted the mobile set, wrist watch of the informant's husband and articles from their shop.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in this case on the instance of their enemies. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view and there is no eye witness of the alleged occurrence, hence no offence under SC/ST Act is made out against the appellants. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus



in nature. Appellants have no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is allegation against the appellants to have looted the articles from the shop of the informant and of assaulting the informant's side.

Considering the facts and circumstances of the case, since there is no specific overt act levelled against the appellants, 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, are 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 Additional Sessions Judge-I-cum-Special Judge (SC/ST) Act, Vaishali at Hajipur, in connection with Mahua P.S. Case No.05 of 2019, 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)

pallavi/-

U		T	
---	--	---	--

