

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4526 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- LAURIA District- West Champaran

1. Akbal Prasad @ Ram Ekbal Prasad Son of Late Jado Lal Sah Resident of Village- Langari, Police Station- Lauriya, District- West Champaran.
2. Mithilesh Kumar Son of Ram Ekbal Prasad @ Akbal Prasad Resident of Village- Langari, Police Station- Lauriya, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kariman Ram son of late Kumari Ram Resident of Khairatiya Manpur, P.S.- Nawalpur, District- West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ram Kishun Prasad, Advocate
For the State	:	Mrs. Usha Kumari 1, Special P.P.
For Res. No.2	:	Ms. Kumari Chandna, Advocate
		Dr. Bipin Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 17-02-2022 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no.2 through virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 31.05.2019, passed by learned A.D.J. Ist-cum-Special Judge (S.C./S.T./POCSO), Bettiah, West Champaran in connection with Lauriya P.S. Case No.58 of 2019, registered under Sections



341, 323 and 504/34 of the Indian Penal Code and Sections 3(i) (r) (s) of the SC/ST Act.

The appellants and other accused persons are said to have abused the informant by naming his caste and assaulted him by means of iron rod.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the appellants. The occurrence took place on 07.02.2019 but the FIR was lodged on 04.03.2019 after delay of 25 days. It is further submitted that the appellants have got no criminal antecedent as stated in para 3 of the memo of appeal.

Learned Special P.P. for the State as well as learned counsel appearing on behalf of respondent no.2 opposed the prayer for anticipatory bail of the appellants and submitted that there is allegation against the appellants that they abused the informant by naming his caste.

Taking into consideration the facts that there is delay of 25 days in lodging the FIR and appellants have got no criminal antecedent, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on



furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist-cum-Special Judge (S.C./S.T./POCSO), Bettiah, West Champaran in connection with Lauriya P.S. Case No.58 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Anjani Kumar Sharan, J.)

Sanjay/-

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