

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5199 of 2019**

Arising Out of PS. Case No.-214 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

---

1. PANKAJ SAH Son of Keshu Sah Resident of Village-Matiyari Piyarepur, Police Station-Baikunthpur, District-Gopalganj.
2. Jai Kishore Sah Son of Birendra Sah Resident of Village-Matiyari Piyarepur, Police Station-Baikunthpur, District-Gopalganj.
3. Ajay Kumar Son of Ginnilal Sah Resident of Village-Matiyari Piyarepur, Police Station-Baikunthpur, District-Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr. Ram Binod Singh  
For the Respondent/s : Mr. Sadanand Paswan

---

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

7      18-01-2022                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) 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 of anticipatory bail vide order dated 19.09.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge, Gopalganj in connection with Baikunthpur P.S. Case No. 214 of 2018 registered under Sections 341, 323 & 379/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

While the informant was at Grahak Seva Kendra of SBI at Lakshmiganj Bazar, the appellants along with one unknown person are said to have come there and snatched away Rs.61,000/-. They also threatened of dire consequences and abused him in his caste name.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, on the date of the alleged occurrence, there was Chhathiyar ceremony at the house of appellant no.3 and villagers and relatives had participated in the Bhoj, where the informant started teasing the girls and women, which was strongly opposed by the appellants and in retaliation thereto, the present false and frivolous case has been lodged against the appellants on altogether false and concocted allegations. Slating the informant in the name of caste is said to have been made at the shop of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Informant has not sustained any injury and there is no injury report in the case diary. The learned lower Court has also not



mentioned any injury in the impugned order after perusal of the case diary. Both the parties are next door neighbours. Appellants have no criminal antecedent.

As *prima facie* no offence under SC/ST Act is made out against the appellants, hence there is no requirement of issuing notice to the informant.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Addl. Sessions Judge, Gopalganj in connection with Baikunthpur P.S. Case No.214 of 2018, 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.)**

Trivedi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

