

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5556 of 2019

Arising Out of PS. Case No.-18 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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SUNITA DEVI Wife of Shri Shyam Babu Prasad @ Shyam Babu Gupta
Resident of Village- and Police Station- Sikta, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raghunath Ram Late Manshi Ram R/o Village-Haripur Purainia, P.S.-Sikta,
District-West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-03-2022 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 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 24.10.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), West
Champaran at Bettiah in connection with Trial No.454 of 2018,
arising out of Sadar Bettiah SC/ST P.S. Case No. 18 of 2018
registered under Sections 341, 323 & 504/34 of the Indian Penal



Code and Section 3(1) (r) (g) (II) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The accusation against the appellant is of abusing the informant by taking caste name and trying to dispossess him from the land.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, a proceeding under Section 107 Cr.P.C. has already been initiated between the parties as there is admitted land dispute between the parties and due to that the allegation of abusing by caste name has been mentioned to make the case serious. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused Shyambabu Prasad @ Shyam Babu Gupta has been enlarged on bail by a coordinate Bench of this Court vide judgment dated 22.02.2019 passed in Cr. Appeal (SJ) No.4344 of 2018. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Trial No.454 of 2018, arising out of Sadar Bettiah SC/ST P.S. Case No.18 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)

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