

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5882 of 2019**

Arising Out of PS. Case No.-180 Year-2018 Thana- RIVILGANJ District- Saran

1. SANTOSH RAI @ SANTOSH KUMAR RAI Son of Bahadur Rai Resident of Village - Naviganj, Police Station- Bhagwan Bazar, District - Saran.
2. Ashok Rai @ Ashok Kumar Son of Birendra Rai Resident of Village - Naviganj, Police Station- Bhagwan Bazar, District - Saran.
3. Mukesh Rai @ Mukesh Kumar Son of Sohan Rai Resident of Village - Naviganj, Police Station- Bhagwan Bazar, District - Saran.

... .. Appellants.

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Binod Kumar Sinha  
For the Respondent/s : Mr. Sadanand Paswan

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

3      12-01-2022                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.11.2019 passed by learned 1<sup>st</sup> Additional



Sessions Judge, Saran at Chapra in connection with Revilganj P.S. Case No. 180 of 2018 registered under Sections 341, 323, 324, 395, 504, 506, 376, 511 & 380/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants are said to have come at the house of the informant and abused the mother-in-law and family members of the informant. Appellant no.1 torn the blouse of mother-in-law of the informant and tried to commit rape against her.

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. The allegation of assaulting the informant is not specific rather general and omnibus in nature. 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, hence no offence under SC/ST Act is made out against the appellants. There is case and counter case between the parties. It is further submitted that a compromise has entered into between the parties. Appellants



have no criminal antecedent.

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

As *prima facie* no case is made out against the appellants under SC/ST Act, there is no need to issue notice to the informant.

In the facts and circumstances of the case, the above named appellant nos.2 & 3, 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, Saran at Chapra in connection with Revilganj P.S. Case No.180 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As there is direct allegation against appellant no.1, I am not inclined to grant him privilege of anticipatory bail.

However, the appellant no.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender considering the fact that a



compromise has entered into between the parties.

Accordingly, this appeal is disposed of.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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