

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.507 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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1. RAJAN PRASAD SON OF SEETA RAM PRASAD R/O VILLAGE-BASBARIYA, WARD NO.28, P.S.- NAGAR BETTIAH, DISTRICT-WEST CHAMPARAN AT BETTIAH
 2. MUNNA PRASAD SON OF SEETA RAM PRASAD R/O VILLAGE-BASBARIYA, WARD NO.28, P.S.- NAGAR BETTIAH, DISTRICT-WEST CHAMPARAN AT BETTIAH
 3. DINESH PRASAD SON OF RAJAN PRASAD R/O VILLAGE-BASBARIYA, WARD NO.28, P.S.- NAGAR BETTIAH, DISTRICT-WEST CHAMPARAN AT BETTIAH
 4. NEERAJ KUMAR SON OF RAJAN PRASAD R/O VILLAGE-BASBARIYA, WARD NO.28, P.S.- NAGAR BETTIAH, DISTRICT-WEST CHAMPARAN AT BETTIAH
 5. MEGHU PRASAD @ MEGHA PATEL SON OF MUNNA PRASAD R/O VILLAGE- BASBARIYA, WARD NO.28, P.S.- NAGAR BETTIAH, DISTRICT- WEST CHAMPARAN AT BETTIAH

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Prakash Shah Son of Rajbali Shah R/o vill- Basbariya Pipul Chak Ward no-28 P.s- Nagar Bettiah Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-01-2023 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

In view of order dated 26.07.2022, notice was issued
upon respondent no.2 but as per office notes, respondent no.2
refused to accept the notice.

Accordingly, notice is hereby considered to be validly



served and that despite valid service of notice, nobody appears on behalf of respondent no.2.

This is an appeal under section 14(A) 2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.10.2021, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, West Champaran at Bettiah, in connection with Bettiah Town (Bettiah Nagar) P.S. Case No.343 of 2021, registered u/s 323, 341, 504, 506, 324, 354, 307, 379/34 of the IPC and sections 3(i)(r)(w) (2) (v-a) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellants indiscriminately assaulted the informant's side.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against him to have abused the informant by taking caste name. It is further submitted that there is case and



counter-case between the parties and in the alleged occurrence both sides have sustained injuries. There is also a land dispute between the parties. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, since there is case and counter-case between the parties and both sides have sustained injuries, let 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, is 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 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST, West Champaran at Bettiah, in connection with Bettiah Town (Bettiah Nagar) P.S. Case No.343 of 2021, 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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