

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.963 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- BAKHTIYARPUR District- Patna

1. LALAN RAI @ LALAN RAY @ LALAN KUMAR SON OF PRAMANAND RAY R/O CHIRAIYA RUPAS, P.S.- BAKHTIYARPUR, DISTT.- PATNA
2. CHANARIKA RAY @ CHANARIK RAI SON OF BILKESHWAR RAY R/O CHIRAIYA RUPAS, P.S.- BAKHTIYARPUR, DISTT.- PATNA
3. SUDIP KUMAR SINGH @ SUDIP SINGH SON OF NARESHI SINGH R/O SATRAH BIGHA, P.S.- BAKHTIYARPUR, DISTT.- PATNA
4. RAGHVENDRA RAI @ RABINDRA RAI SON OF LATE JUNG BAHADUR RAI R/O CHIRAIYA RUPAS, P.S.- BAKHTIYARPUR, DISTT.- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. JIMDAR PASWAN SON OF LATE BALESHWAR PASWAN R/O UTTARI CHIRAIYA, P.S.- BAKHTIYARPUR, DISTT.- PATNA, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prince Kumar Mishra
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023

Re:- I.A. No.1 of 2023

This interlocutory application has been filed for condoning the delay of 3 months and 12 days in filing of this appeal.

Considering, the grounds taken in the interlocutory application, the delay in filing of this appeal is hereby condoned.

Accordingly, I.A. No.1/2023 is hereby allowed and



disposed of.

Re: Cr.APP (SJ) No.963 of 2023

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Spl.PP for the State submits that in compliance of the order dated 03.05.2023, he informed the informant/complainant about his appearance in the present case but nobody appears on his behalf.

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 04.08.2022 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with Bakhtiyarpur P.S. Case No.211 of 2022, registered under Sections 341, 342, 323, 504/34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegedly, the appellants and other co-accused persons abused the informant and threatened to withdraw the cases lodge by him against them. It is further alleged that the accused persons assaulted the informant with the back portion of rifle and from *lathi-danda* as well.



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. There is no injury in the alleged occurrence. The allegation against the appellants is that they abused the informant by caste name but it is clear from the FIR itself that it has been alleged that they used '*Harijan*' word against the informant, which does not come under the purview of the SC/ST Act, as such, no offence under Section SC/ST Act is made out against the appellants. He further submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 11.01.2023 passed in Cr. App (SJ) No.3005 of 2022. Appellant nos.1, 3 and 4 have no criminal antecedent whereas appellant no.2 has two criminal antecedent, as mentioned in para-3 of memo of appeal.

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 Exclusive Special Judge, SC/ST Act, Patna in connection with Bakhtiyarpur P.S. Case No.211 of 2022, 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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