

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3983 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- MAHESI District- East Champaran

NAVIN KUMAR RAY @ NAVIN KUMAR S/O BIRENDRA RAY Resident
of village- Kankati, P.S.- Mehshi, District- East Champara.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1154 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- MAHESI District- East Champaran

BITTU RAI @ BITU S/O RAVI SHANKAR RAI @ HARI SHANKAR
YADAV R/V- KANKATI, P.S.- MEHASI, DISTT- EAST CHAMPARAN,
MOTIHARI

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhindra Paswan Son of Matuk Paswan R/V- Kankati, P.S.- Mehshi,
District- East Champaran, Motihari

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3983 of 2022)

For the Appellant/s : Mr.Satyendra Narayan Singh, Adv.

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

Mr. Dhurendra Kumar, Adv.

(In CRIMINAL APPEAL (SJ) No. 1154 of 2023)

For the Appellant/s : Mr.Radha Krishna, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 19-04-2023 As both these appeals have cropped up from the same

police station case number, hence, with consent of parties, they

are being heard together and disposed of by this common order.

Heard the parties.

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 05.08.2022 passed by learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with Mehsi P.S. Case No. 119 of 2022 registered under Sections 341, 323, 427, 448, 379/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants along with other accused persons came to the informant and abused the informant by taking his caste name. They assaulted him and his family members. They also took cash, ornaments and cloths from the house of the informant and fled away.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. 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. Slating the informant/complainant 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. Appellant Bittu Rai has one criminal antecedent whereas Navin Kumar Ray has no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, as the occurrence took place inside the house, 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 Special Judge (SC/ST Act), East Champaran at Motihari in connection with Mehsi P.S. Case No. 119 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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