

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2362 of 2021

Arising Out of PS. Case No.-86 Year-2019 Thana- SC/ST District- Araria

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1. KARE SINGH Son of Budhu Singh Resident of Village - Rampur Mohanpur Budheshwari, Police Station - Bairgachhi (O.P.), District - Araria.
 2. Vishnu Singh @ Vishju Singh Son of Kare Singh Resident of Village - Rampur Mohanpur Budheshwari, Police Station - Bairgachhi (O.P.), District - Araria.
 3. Ram Prasad singh son of Somi Singh Resident of Village - Rampur Mohanpur Budheshwari, Police Station - Bairgachhi (O.P.), District - Araria.
 4. Binod Singh Son of Somi Singh Resident of Village - Rampur Mohanpur Budheshwari, Police Station - Bairgachhi (O.P.), District - Araria.
 5. Deepak Singh Son of Yogendra Singh Resident of Village - Rampur Mohanpur Budheshwari, Police Station - Bairgachhi (O.P.), District - Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dropadi Devi Satya Narayan Rajak R/o Village-Rampur Budheshwari, Ward No.-10, P.S.-Bairgachhi(O.P), District-Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana, Adv.
For the Respondent/s : Mrs. Usha Kumari, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2023 Heard learned counsel for the appellants 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 02.03.2021 passed by learned 1st Additional Sessions cum Special Judge, Araria in connection with Araria



(SC/ST) P.S. Case No. 86 of 2019 registered under Sections 149, 323, 324, 379, 380, 354B, 384, 120B, 504, 506 of the Indian Penal Code and Section 3(A), 3(D) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The police has submitted charge-sheet in this case under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Sections 3(2)(va) of the SC/ST Act.

Allegedly, the appellants along with other accused persons abused the informant's husband by taking his caste name and assaulted him with deadly weapons. When the informant tried to save her husband, they assaulted her too. They also took Rs. 1300/- from the pocket of the informant. They also entered the house of the informant and committed loot.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. Slating the informant/complainant in the name of caste is said



to have been made at the bamboo clumps and at house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. It is further submitted that police has filed charge sheet in this case against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail by submitting that cognizance has been taken by the learned Court below, therefore, the anticipatory bail is not applicable in view of the judgment of the Apex Court in the case of **Bachu Das Vs. State of Bihar and others since reported in (2014) 3 Supreme Court Cases 471.**

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. The prayer for bail is hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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