

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1720 of 2023

Arising Out of PS. Case No.-184 Year-2020 Thana- MOTIHARI TOWN District- East Champaran

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1. SANJAY KUMAR SATYARTHI Son of Ram Nath Prasad @ Mangal Sahani Resident of Village - Dhewahi, P.S.- Harshidhi, At present - Raghunathpur, P.S.- Raghunathpur, District - East Champaran, Motihari.
 2. Subhash Sahani Son of Devendra Sahani Resident of Village - Dhewahi, P.S.- Harshidhi, At present - Raghunathpur, P.S.- Raghunathpur, District - East Champaran, Motihari.
 3. Satyam Kumar Son of Sanjay Satyarthi @ Sanjay Kumar Resident of Village - Dhewahi, P.S.- Harshidhi, At present - Raghunathpur, P.S.- Raghunathpur, District - East Champaran, Motihari.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gopal Paswan Son of Late Shital Paswan Resident of Village - Raghunathpur, P.S.- Raghunathpur (O.P. Turkauliya), District - East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-08-2023

Re: I.A. No. 01 of 2023

This application has been filed for condonation of delay of 14 days in preferring the appeal.

2. After having considered the averments made in the application I am satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed statutory period. Accordingly, and in the interest of justice the delay in preferring this appeal is hereby condoned.

3. I.A. No. 01 of 2023 stands allowed.

4. Heard learned counsel for the appellant and learned



Special Public Prosecutor for the State.

5. Learned Spl. PP for the State, in compliance of order dated 10.07.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

6. 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 05.12.2022 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Town P.S. Case No. 184 of 2020 registered under Sections 193, 196, 420, 466, 467, 468 of the Indian Penal Code and Section 3(ii)(i) (p)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. The allegation against the appellant is that he along with other accused person have committed forgery and without knowledge of the informant, compromise petition is being filed in the Court below.

8. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out



against the appellant. He submits that during the course of investigation, no any direct and indirect evidence found against the appellant. He further submits that due to exchange of enmity and dirty village politics as well as land dispute between the family, the appellant is made accused in the present case. Appellant has got one criminal antecedent as mentioned in para-3 of memo of the appeal.

9. Learned Spl. PP for the State opposes prayer for anticipatory bail and submits that specific overt has been attributed against the appellant.

10. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the appellant on anticipatory bail. The prayer for anticipatory bail of the appellant is hereby rejected.

11. However, if the appellant surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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