

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2297 of 2023

Arising Out of PS. Case No.-430 Year-2022 Thana- PAHARPUR District- East Champaran

1. DAYA SHANKAR RAUT @ DAYA SHANKAR PRASAD Son of Late Ram Prasad Raut Resident of village - Sareya Khan, P.S.- Paharpur, District - East Champaran
2. Sandip Raut Son of Jhagru Raut Resident of village - Sareya Khan, P.S.- Paharpur, District - East Champaran
3. Nitesh Raut Son of Manoj Raut Resident of village - Sareya Khan, P.S.- Paharpur, District - East Champaran
4. Tappu Raut Son of Jhagru Raut Resident of village - Sareya Khan, P.S.- Paharpur, District - East Champaran
5. Jhagru Raut Son of Late Sheonath Raut Resident of village - Sareya Khan, P.S.- Paharpur, District - East Champaran
6. Raj Kishore Raut Son of Nagina Raut Resident of village - Sareya Khan, P.S.- Paharpur, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lalsha Devi Wife of Ramchandra Ram Resident of village - Sareya Mishrain Tola, P.S.- Paharpur, District - East Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-11-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. In compliance of the order dated 23.08.2023, learned Spl.PP for the State informed the informant to appear in the present case through her counsel but nobody entered appearance on her behalf.

3. 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 31.03.2023 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Paharpur P.S. Case No.430 of 2022, registered under Sections 341, 323, 324, 379, 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellants is that they abused the informant by taking her caste name and also assaulted her and her family members and took out Rs.5000/- from her husband.

5. 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. 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. There is no specific overt act against the



appellants. Appellants have two criminal antecedent as mentioned in para-3 of memo of appeal.

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

7. In the facts and circumstances of the case as there is no specific overt act against the appellants, let 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, Motihari in connection with Paharpur P.S. Case No.430 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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