

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2413 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- SC/ST District- Jehanabad

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1. JITENDRA SAGAR @ JITENDRA KUMAR Son of Prem Sagar Singh @ Prem Sagar Sharma Resident of Village Waina, PS- Ghoshi, District- Jehanabad
 2. Kundan Kumar @ Kundan Kumar Sagar Son of Prem Sagar Singh @ Prem Sagar Sharma Resident of Village Waina, PS- Ghoshi, District- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sadhu Saran Das Son of Late Basudev Das Resident of Village Waina, PS- Ghoshi, District- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gajendra Kumar Singh
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard the parties.

2. 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 13.03.2023 passed by learned Exclusive 1st Additional District Judge cum Special Judge (SC/ST Act), Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 29 of 2022, registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. Allegedly, while the informant, who is *up-mukhiya* of *Gram Panchayat Gandhar* was returning to District Magistrate, the accused persons including the appellants are said to have abused and assaulted him.

4. 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 inordinate delay of eight days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. He further submits that earlier the appellant's side filed a case against the informant thereafter, the present case has been filed by the informant. Appellant no.1 has three criminal antecedent and appellant no.2 has two criminal antecedent, as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail. It is submitted by the learned counsel for the informant that the appellants have suppressed their criminal history. He further submits that there is no delay in lodging of the FIR, as the informant gave a written statement before the concerned SHO, but he did not registered the



case and later on, on the order of Superintendent of Police, Jehanabad the present case has been registered.

6. In the facts and circumstances of the case, as it is an admitted fact that earlier the appellant's side filed a case against the informant thereafter, the informant filed the present case 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 Exclusive 1st Additional District Judge cum Special Judge (SC/ST Act), Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 29 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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