

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2451 of 2023

Arising Out of PS. Case No.-355 Year-2022 Thana- SARAI RANJAN District- Samastipur

LALAN KUMAR SAH SON OF LALJI SAH RESIDENT OF VILLAGE-
JITWRPUR KUMHIRA, PS- SARAI RANJAN, DISTT- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. BINOD MAHTO SON OF LATE GANESHI MAHTO RESIDENT OF
VILLAGE- JITWARPUR KUMHIRA, PS- SARAI RANJAN, DISTT-
SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anshu Dhar Sharma
For the Respondent/s	:	Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 09.08.2023, learned
Spl.PP for the State informed the informant to appear in the
present case through his counsel but nobody entered appearance
on his 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 03.05.2023 passed by learned Special Judge
(SC/ST Act), Samastipur in connection with Sarairanjan P.S.



Case No.355 of 2022, registered under Sections 307 and other allied Sections of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is one Anil Ray went to the house of the informant and demanded *Neera*, upon which the informant informed him that today *neera* is closed by the Government and stated that he do not have it today. It is alleged that the Anil Ray called the appellant and other co-accused persons and assaulted the informant and also abused him by taking his caste name.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case at the instance of his enemies. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellant. There is inordinate delay of four months 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 the



injuries are of simple nature. Appellant has no criminal antecedent as mentioned in para-3 of this 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 a delay in lodging the FIR, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Samastipur in connection with Sarairanjan P.S. Case No.355 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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