

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2104 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- SC/ST District- Purnia

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1. HEMANT PODDAR @ HEMANT KUMAR PODDAR S/O LATE LAKHAN PODDAR Resident of Village- Imali Tola, Gulab Bag, P.S.- Sadar, District- Purnia.
 2. SHALINI DEVI @ SALANI DEVI W/O HEMANT PODDAR @ HEMANT KUMAR PODDAR Resident of Village- Imali Tola, Gulab Bag, P.S.- Sadar, District- Purnia.
 3. ASHUTOSH KLUMAR @ ASHUTOSH KUMAR @ GOLU S/O HEMANT PODDAR @ HEMANT KUMAR PODDAR Resident of Village- Imali Tola, Gulab Bag, P.S.- Sadar, District- Purnia.

... .. Appellant/s

Versus

1. The State of Bihar
2. RANJU KUMARI Resident of Village- Imali Tola, Rajendranagar, Gulab Bag, P.S.- Sadar, District- Purnia.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamlesh Kumar Pathak
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants is directed to correct
the name of the appellant no.3 in course of day.

Learned counsel for the appellants undertakes to remove
the defects within four weeks.

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 02.06.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnia in connection with SC/ST P.S. Case No.08 of 2022, registered under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i) (r)(s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants alongwith other co-accused persons abused the informant by taking her caste name and also assaulted her.

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. The specific allegation is against the appellant no.1 to abused the respondent no.2 by taking caste name. There is an inordinate delay of fourteen 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 the occurrence took place in the courtyard of the informant which does not come in the purview of public place and such the



allegation of abuse by taking caste name does not constitute the offence under SC/ST Act. 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.

In the facts and circumstances of the case, 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 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnia in connection with SC/ST P.S. Case No.08 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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