

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2427 of 2022

Arising Out of PS. Case No.-239 Year-2022 Thana- JOGAPATTI District- West Champaran

1. LAXMI MAHATO Son of Late Nathuni Mahato Resident of village - Balua Deorai, P.S.- Yogapatti, District - West Champaran.
2. Raju Mahato @ Jhinu Kushwaha Son of Paras Kushwaha Resident of village - Rajwatiya, P.S.- Bagaha, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalawati Devi Wife of Ramayan Gond Resident of village - Balua Deorai, P.S.- Yogapatti, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachida Nand Rai
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2023 Heard learned counsel for the appellant no.2 and learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 23.08.2022 but nobody appeared on behalf of the respondent no.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 24.06.2022 passed by learned Incharge 1st



Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah in connection with Yogapatti P.S. Case No. 239 of 2022 registered under Sections 341, 323, 379 and 504/34 of the Indian Penal Code and Section 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant no.2 that the appellant no.2 has no concern with the aforesaid occurrence. The occurrence took place on 29.04.2022 but FIR lodged on 02.05.2022 after a delay of four days and there is no any explanation of it which creates serious doubt about the prosecution case. 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. No person was injured in the present case. Appellant no.2 has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellant no.2 abused the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let the above named appellant no.2, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Incharge 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah in connection with Yogapatti P.S. Case No. 239 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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