

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3822 of 2021**

Arising Out of PS. Case No.-219 Year-2019 Thana- BAIRIYA District- West Champaran

1. Sanjay Singh S/O Surendra Singh R/O Village-Machhargawa, P.S-Bairiya, District-West Champaran.
2. Brij Mohan Singh S/O Surendra Singh R/O Village-Machhargawa, P.S-Bairiya, District-West Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Chandrika Paswan Son of Dahari Paswan R/o vill- Bairiya Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anant Kumar Mishra, Advocate
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 22-03-2023 Heard learned counsel for the appellants and, learned
Special P.P for the State.

The present appeal filed under Section 3(i) (r) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the SC/ST Act) preferred against the order dated 11.09.2020 passed by the learned Special Judge SC/ST Act cum Additional Sessions Judge, Bettiah, West Champaran in connection with Bairiyay



P.S.Case No. 219 of 2019 instituted for the offence under Sections 341, 323, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(v), of SC/ST Act whereby prayer for bail of the appellant has been rejected

As per the prosecution case, the informant was going to Bettiah Town on his bicycle, the co-accused persons started abusing him by taking his caste name and also assaulted him by fist and slap.

Learned counsel appearing on behalf of the appellants submits that the appellants are innocent and have falsely been implicated in this case. The occurrence took place on 16.06.2019 but the FIR was lodged on 03.07.2019. This case has been lodged by the informant in retaliation of the Bairiya P.S.Case No. 193 of 2019 against the appellants. The informant has not sustained any injury. No offence under SC/ST Act is made out as there was no intention to insult or humiliate. The appellants have got clean criminal antecedent.

On the other hand, learned counsel for the State opposed the bail prayer of the appellants.

Considering the submission made on behalf of the appellants and taking into consideration, this anticipatory bail petition is allowed and it is ordered that the appellants, in the



event of their arrest / surrender within four weeks from the date of receipt of this order to the court concern shall be enlarge on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge cum Special Judge SC/ST Bettiah, West Champaran in connection with Bairiya P.S.Case No. 219 of 2019.

Accordingly, the impugned order dated 11.09.2020 is set aside and the appeal is hereby, allowed.

(Prabhat Kumar Singh, J)

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