

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3959 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- SC/ST District- Rohtas

1. Jitendra Lal Son Of Shiv Shankar Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
2. Satyendra Lal Son Of Raj Kumar Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
3. Sudama Lal Son Of Late Doma Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
4. Saroj Lal Son Of Late Lal Bahadur Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
5. Tengari Lal Son Of Rajdhari Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
6. Manoj Lal Son Of Tengari Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
7. Som Nath Lal Son Of Sudama Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
8. Awadhesh Lal Son Of Sudama Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.
9. Jhaman Lal Son Of Lakshman Lal Resident Of Village- Babhani, P.S.- Karghar, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinki Kumari D/o Dinesh Ram Resident of Village- Babhani, P.S.- Kargahar, District- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajani Kant Singh
For the State	:	Mr. Binay Krishna
For the Respondent No. 2:	:	Mrs. Arti Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 06-12-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

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 02.08.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Rohtas at Sasaram, in connection with SC/ST Dehri P.S. Case No. 43 of 2020 registered under Sections 341, 323, 379, 354, 504, 34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants are said to have abused and assaulted the informant and his family members.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellant. He submits that the informant and her family members, who themselves used the water of public hand-pump through electric system, due to which general public could not take water although, the village is on the hill side and the appellants objected not to do so, regarding which the appellants have also sent a petition to the Circle Officer, Karghar and the District Magistrate. He further submits that the injuries



were found simple in nature, a copies of the injury reports are enclosed as Annexure- 3 series to the memo of the appeal. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the payer for anticipatory bail.

6. Considering the facts and circumstances of the case and the nature of the offence, 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 learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Rohtas at Sasaram, in connection with SC/ST Dehri P.S. Case No. 43 of 2020, 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)

anand/-

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