

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3107 of 2023**

Arising Out of PS. Case No.-48 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

-
1. BALKESHWAR YADAV @ BALMIKI KUMAR SON OF BIJLEE RAY
RESIDENT OF VILLAGE- ARARIYA, PS- KUNDWA CHAINPUR,
DISTT- EAST CHAMPARAN
 2. RAMNIHORA RAY SON OF BASUDEO RAY RESIDENT OF VILLAGE-
ARARIYA, PS- KUNDWA CHAINPUR, DISTT- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. INDU DEVI WIFE OF LALDEV PASWAN RESIDENT OF VILLAGE-
ARARIYA, PS- KUNDWA CHAINPUR, DISTT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 22-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 16.08.2023, she informed the informant to appear in the present appeal through her counsel, but nobody appears on her 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 14.06.2023 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 48 of 2023 registered under Sections 341, 342, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 3(i) (d) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that, on 19.03.2023 at about 6:30 a.m., when the informant was going to see her field, appellant no.1 stopped her and started abusing her by taking her caste name. In the meanwhile, co-accused Mukesh Kumar caught her hand and appellant no.1 snatched Mangal Sutra and golden ring from her hand. Co-accused Ranjan abused her and torn her blouse. Co-accused Nitesh Kumar and appellant no.2 caught her hand and began to drag her due to which her saree got torn. They also assaulted the informant by fists and legs.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior



motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of slating the informant by taking her caste name is totally false. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail and submitted that there is serious allegation against appellant no.1 to abuse the informant by taking her caste name, hence he does not deserve anticipatory bail.

7. In the facts and circumstances of the case, as there is no specific overt act against appellant no.2, 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 the learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 48 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. However, there is specific allegation against appellant no.1 to abuse the informant by taking her caste



name, I am not inclined to enlarge the appellant no.1 on bail.

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

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

