

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3222 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- SC/ST District- Muzaffarpur

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1. SHAMBHU RAI SON OF LATE JANAK RAI RESIDENT OF VILLAGE-
MADHUBAN, P.S.- KARJA, DISTRICT- MUZAFFARPUR
 2. RAM CHANDRA RAI SON OF LATE JANAK RAI RESIDENT OF
VILLAGE- MADHUBAN, P.S.- KARJA, DISTRICT- MUZAFFARPUR
 3. RAGHUNATH RAI SON OF LATE SITAL RAI RESIDENT OF
VILLAGE- MADHUBAN, P.S.- KARJA, DISTRICT- MUZAFFARPUR
 4. GANNI RAI @ GANESH RAI SON OF LATE RUDL RAI RESIDENT OF
VILLAGE- MADHUBAN, P.S.- KARJA, DISTRICT- MUZAFFARPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. MANOJ RAM SON OF MUGAL RAM RESIDENT OF VILLAGE-
MADHUBAN, P.S.- KARJA, DISTRICT- MUZAFFARPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manoj Kumar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari No.1, Spl.P.P. Mr.Hemant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (As amended by Amendment Act, 2015(Act No.1 of 2016)
(hereinafter in short referred to as the ‘SC/ST Act’) against the
refusal of prayer for anticipatory bail vide order dated
28.06.2023, passed by learned Additional District and Sessions
Judge-I,-cum-Spl. Court of SC & ST (POA) Act, Muzaffarpur,



in connection with SC/ST P.S. Case No.38 of 2023, registered u/s 341, 323, 324, 379, 427, 354/34 of the IPC and 3(i)(r)(s) of the SC/ST Act.

3. As per F.I.R., allegation upon the appellants is that they along with other co-accused abused the informant by taking caste name and assaulted him with various weapons.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against them to abuse the informant by taking caste name. The alleged date of occurrence is 11.03.2023 but the F.I.R. was lodged on 21.03.2023 i.e. after delay of 12 days without giving any plausible explanation, which creates doubt about the prosecution case. Earlier a case has been lodged by the appellant no.1 on 12.03.2023 bearing Karja P.S. Case No.91 of 2023 against the informant, thereafter the present case has been lodged by the informant. Appellants have no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel



for the informant opposed the prayer for bail by submitting that after treatment, the informant went to the police station for lodging the F.I.R. but the police refused to lodge the F.I.R., thereafter he went the SC/ST police station and therefore, the delay has been caused.

6. Considering the facts and circumstances of the case and considering the delay in lodging the F.I.R., let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I,-cum-Spl. Court of SC & ST (POA) Act, Muzaffarpur, in connection with SC/ST P.S. Case No.38 of 2023, 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)

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