

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3254 of 2023**

Arising Out of PS. Case No.-14 Year-2023 Thana- SC/ST District- Kaimur (Bhabua)

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1. RAMUNA SINGH @ RAMUN YADAV S/O KEDAR YADAV R/O Village- Dighar, P.O- Kolhua, P.S- Adhaura, Distt.- Kaimur at Bhabua.
 2. Santosh Yadav S/O Kedar Yadav R/O Village- Dighar, P.O- Kolhua, P.S- Adhaura, Distt.- Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Janam Ram S/O Late Jhakari Ram R/O Village- Dighar, Post- Kolhua, P.S- Adhaura, Distt.- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Pandey
For the Respondent/s : Mrs. Usha Kumari 1

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

3 18-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 23.08.2023, learned
Spl.PP for the State informed the informant to appear in the
present case through his counsel but nobody entered appearance
on his 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 26.06.2023 passed by learned Additional
Sessions Judge-1 cum Special Judge (SC/ST Act), Kaimur at



Bhabua in connection with Bhabua SC/ST P.S. Case No.14 of 2023, registered under Sections 427, 504 and other allied Sections of the Indian Penal Code and Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants were fined by the *Panches* of his village to pay Rs.1500/- to the informant. When the informant asked for the said money from the informant, the appellants abused the informant by taking caste name and also refused to pay any amount.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature, as such, no offence under the SC/ST Act is made out against the appellants. There is an inordinate delay of about fifteen days in lodging the case which was lodged on 21.09.2022 though the occurrence is said to have taken place on 07.09.2022 and no plausible explanation for the delay has been given, which creates serious doubt about the prosecution case. It is further submitted that under the influence of the agnate of one



of the *Panches* namely Bihari Yadav, the complainant has lodged this case against the appellants. In the entire case diary, the statement of the other members of the *Panches*, who directed to pay Rs.1500/- to the complainant has not been recorded. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl.PP for State opposed the prayer for bail.

7. In the facts and circumstances of the case, 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 the learned Additional Sessions Judge-1 cum Special Judge (SC/ST Act), Kaimur at Bhabua in connection with Bhabua SC/ST P.S. Case No.14 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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