

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3011 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- SANGRAMPUR District- East
Champaran

-
1. RAM AYODHYA SINGH S/O LATE RAM CHANDRA SINGH Resident of Village- Sikandarpur, P.S.- Sangrampur, District- East Champaran
 2. CHANDAN SINGH @ CHANDAN KUMAR SINGH S/O SANJAY SINGH Resident of Village- Sikandarpur, P.S.- Sangrampur, District- East Champaran
 3. SANJAY SINGH S/O RAM AYODHYA SINGH Resident of Village- Sikandarpur, P.S.- Sangrampur, District- East Champaran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. RAJENDRA KUMAR RAJ @ RAJENDRA BAITHA S/O LALAN BAITHA Resident of Village- Sikandarpur, P.S.- Sangrampur, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

In view of order dated 07.12.2022, learned Spl.P.P. for
the State informed the respondent no.2/informant about his
appearance in this case but nobody appears on his behalf.

At the outset, learned counsel for the appellants seeks
permission to withdraw this appeal as against the appellant
no.2, as he has been apprehended by the police, during



pendency of this appeal.

Permission is granted.

This appeal as against the appellant no.2 is dismissed as withdrawn.

Now, it is being heard for consideration of bail as against appellant no.1 and 3 only.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 06.08.2022, passed by learned Special Judge, Schedule Caste and Schedule Tribe Act, East Champaran, Motihari, in connection with Sangrampur P.S. Case No.254 of 2021, registered u/s 341, 323, 324, 325, 307, 379, 504, 506 and 34 of the IPC and sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

Allegedly, the appellant no.3 was distributing cash in favour of Mukhiya candidate and on protest of the informant, he abused by calling caste name and gave knife blow on the head of informant. At the same time, other appellants gave rod blow upon the informant.

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 the appellants to have abused the informant by taking caste name. The alleged occurrence took place on 14.11.2021 but the F.I.R. was lodged on 01.12.2021 i.e. after delay of about 16 days, without giving any plausible explanation. Such delay in lodging the F.I.R., itself creates doubt about the prosecution case. Appellants have one criminal antecedent.

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

Considering the facts and circumstances of the case, considering the delay in lodging the F.I.R., the appellant nos.1 and 3 named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to 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 Special Judge, Schedule Caste and Schedule Tribe



Act, East Champaran, Motihari, in connection with Sangrampur P.S. Case No.254 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

pallavi/-

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

