

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3315 of 2022**

Arising Out of PS. Case No.-60 Year-2021 Thana- SC/ST District- Samastipur

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1. SIYA RAM SINGH @ SIYARAM SINGH SON OF LATE RAM CHANDRA SINGH R/O VILLAGE- CHAPAR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR
 2. AMAN SINGH @ AMAN KUMAR SON OF SIYA RAM SINGH @ SIYARAM SINGH R/O VILLAGE- CHAPAR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. SITA DEVI WIFE OF MANOJ RAM RESIDENT OF VILLAGE- HARAIL, P.S.- MOHIUDDIN NAGAR, DISTT- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deepak Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Dhananjai Kumar Singh

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

4 18-01-2023 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 as well as learned Spl P.P. for the State.

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 11.08.2022 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with SC/ST P.S. Case No.60 of 2021, registered under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(1) (r) (s) (w)/ 3 (2) (va) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants entered into the house of the informant and assaulted her and her son due to which they sustained injuries. The appellants also abused them by taking caste name. It is alleged that appellant no.1 took away a box containing Rs.5000/-.

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 assaulting the informant is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Informant has not sustained any injury and there is no injury report in the case diary. There is an in-ordinate delay of 9 days in the filing of FIR. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that from the perusal of the FIR, it is clear that the



appellants have abused the informant by taking her caste name. It is submitted by learned counsel for the respondent no.2 that detailed explanation is available in the last portion of the FIR, regarding the 9 days delay in filing of the FIR.

Considering the facts and circumstances of the case, as there is specific allegation against the appellants to abuse the informant by taking the caste name, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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