

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3390 of 2022**

Arising Out of PS. Case No.-115 Year-2022 Thana- IMAMGANJ District- Gaya

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1. MD. SAIFULLA RAJA @ SAIFULLAH RAZA @ SAFULLA RAZA SON OF RAHMAN MIAN @ RAHMAN ALI R/O VILLAGE- BEDAULI, P.S.- IMAMGANJ,DISTT.- GAYA
 2. BAITULLA RAJA @ BAITULLA MIAN @ BAITULLAH SON OF RAHMAN MIAN @ RAHMAN ALI R/O VILLAGE- BEDAULI, P.S.- IMAMGANJ,DISTT.- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. PYARI DEVI WIFE OF LATE RAM DAS PASWAN R/O VILLAGE- BEDAULI, P.S.- IMAMGANJ,DISTT.- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Murad Ashraf, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr.Vishwa Ranjan Choudhary, Adv.

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

- 3 25-01-2023 Heard learned counsel for the appellants, learned counsel for the informant and 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 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 27.08.2022, passed by learned Exclusive Special Judge, SC & ST, Gaya, in connection with Imamganj P.S. Case No.115 of 2022, registered u/s 147, 148, 149, 323, 341, 325, 504 and 506 of the IPC and sections 3/4 of Prevention of Witch Practice Act



and 3(i)(r)(s), 3(2)(v-a) of the SC/ST Act.

As per F.I.R., all named accused persons including the appellants forming an unlawful assembly came near the house of informant and started abusing her in caste name. Thereafter, they broke the door of her house and took her out and started beating her with fists and sticks alleging her to be a witch.

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 the occurrence has not taken place in the public view. It is further submitted that there is general and omnibus allegation against all the accused persons including appellants. It is further submitted that the occurrence took place on 22.06.2022 but the F.I.R. was lodged after delay of more than 12 days on 04.07.2022 without giving any plausible explanation, which creates doubt about the prosecution case. Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that all the accused person have abused the informant by taking caste



name in public place and she firstly gave her application regarding the occurrence on 03.07.2022 because of a Panchayati held at an earlier stage, as such, the delay has caused.

Considering the facts and circumstances of the case, 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 Exclusive Special Judge, SC & ST, Gaya, in connection with Imamganj P.S. Case No.115 of 2022, 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)

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