

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4721 of 2021

Arising Out of PS. Case No.-191 Year-2021 Thana- WARISNAGAR District- Samastipur

1. RENU DEVI Wife of Dipak Kumar Resident of Village- Maksudpur, P.S.- Warisnagar, District- Samastipur.
2. Dipak Kumar Son of Shyam Sundar Bhagat Resident of Village- Maksudpur, P.S.- Warisnagar, District- Samastipur.
3. Shyam Sundar Bhagat Son of Ram Swarup Bhagat Resident of Village- Maksudpur, P.S.- Warisnagar, District- Samastipur.
4. Ram Chandra Pandit Son of Sokhi Pandit Resident of Village- Maksudpur, P.S.- Warisnagar, District- Samastipur.
5. Fudan Bhagat Son of Jhingur Bhagat Resident of Village- Maksudpur, P.S.- Warisnagar, District- Samastipur.
6. Rajendra Pandit Son of Saryug Pandit Resident of Village- Maksudpur, P.S.- Warisnagar, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shivji Baitha Son of Late Ram Khalewan Baitha R/O vill- Dhrufgama, P.S.- Kalyampur Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-04-2023 Heard the parties.

Learned counsel for the appellants is directed to remove the defect within four weeks.

Notice has validly been served upon the respondent no.2 but nobody appears on his behalf.

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 27.10.2021



passed by learned 1st Additional Sessions Judge, Samastipur in connection with Warisnagar P.S. Case No. 191 of 2021 registered under Sections 353, 504, 506, 341, 342, 143 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants forcibly entered the school compound and started abusing the informant. They also assaulted him and created hindrance in government work. Appellant nos. 1 & 2 are said to have abused the informant by taking his caste name.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The occurrence took place on 17.07.2021 but the instant case was lodged on 02.08.2021. There is inordinate delay of 16 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. It is further submitted that on 04.04.2023, a detailed counter affidavit was filed on behalf of the State in which, from para 3, it is evident that after investigation, Warisnagar P.S. Case No. 191 of 2021 has been found untrue. Appellant no.2 has two criminal antecedents where



as appellant nos. 1, 3, 4, 5 & 6 have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

In the facts and circumstances of the case, as the case was found untrue, 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 1st Addl. Sessions Judge, Samastipur in connection with Warisnagar P.S Case No. 191 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.

Office is directed to trace out the detailed counter affidavit which was filed on 04.04.2023 and keep it on record.

(Anjani Kumar Sharan, J)

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