

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4706 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- SC/ST BETTIAH District- West  
Champaran

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1. PASHURAM MAHATO @ PARSHURAM MAHATO Son of Doma Mahto Resident of Village - Sabeya Khurd, P.S.- Sirisiya, Distt.- West Champaran.
  2. BALIRAM MAHATO @ BALI MAHATO Son of Doma Mahato Resident of Village - Sabeya Khurd, P.S.- Sirisiya, Distt.- West Champaran.
  3. SITA DEVI W/o Pashuram Mahato @ Parshuram Mahato Resident of Village - Sabeya Khurd, P.S.- Sirisiya, Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi Wife of Chandeshwar Mahto R/o vill- Sabeya Khurd ward no-12 P.s- Serisiya O.p Dist- West Champaran

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Bimlesh Kumar Pandey |
| For the Respondent/s | : | Mr. Sadanand Paswan      |
|                      |   | Mr. Kumar Baitha         |

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

4      25-01-2023      Heard the parties.

Learned counsel for the appellants undertakes to remove the defects within four weeks.

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 01.09.2021 passed by learned Additional District and Sessions Judge 1<sup>st</sup> cum Special Judge, SC/ST, Bettiah, West Champaran in connection with SC/ST Bettiah P.S. Case no.22 of 2021, registered under Sections 341, 323, 325, 354B, 504, 506/340f of the Indian Penal



Code and Section 3(i) (r) (s) (x) (ii) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants assaulted the informant and her family members due to which they sustained injuries. It is also alleged that the appellants abused the informant by taking her caste name.

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 levelled against the appellants is not specific rather general and omnibus in nature. He submits that the informant has sustained injury at her left hand due to fall on the ground in other circumstances. There is no specific allegation of assault against the appellant no.2 and 3 and the appellant no.1 is not alleged to have cause any injury on any vital part of the body. There is inordinate delay of 62 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt over the genuineness of the prosecution case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. 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 and submits that the appellants abused and assaulted the informant's side in a public place.

In the facts and circumstances of the case, as there is a delay in filing of the FIR, 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 District and Sessions Judge 1<sup>st</sup> cum Special Judge, SC/ST, Bettiah, West Champaran in connection with SC/ST Bettiah P.S. Case no.22 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)**

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