

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3679 of 2022

Arising Out of PS. Case No.-552 Year-2022 Thana- SIKARPUR District- West Champaran

1. Lalbabu Gupta Son Of Late Nathuni Sah Resident Of Village- Murli, P.S.- Shikarpur, District- West Champaran
2. Sunil Gupta Son Of Late Nathuni Sah Resident Of Village- Murli, P.S.- Shikarpur, District- West Champaran
3. Anil Gupta Son Of Late Nathuni Sah Resident Of Village- Murli, P.S.- Shikarpur, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanti Devi Wife of Sri Suresh Ram Resident of Village- Murli, P.S.- Shikarpur, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Niraj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-02-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor 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 01.09.2022 passed by learned 1st Additional Sessions Judge cum the Special Judge, SC/ST Act, West Champaran at Bettiah, in connection with Shikarpur P.S. Case



No. 552 of 2022 registered under Sections 341, 323, 354B, 387, 504 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they came at the door of the respondent no.2, abused her narrating her caste name showing themselves as *rangdar*.

Learned counsel for the appellants submits that they have falsely been implicated in this case. There is no allegation of slating the respondent no.2 in the specific name of his caste. He submits that there is general and omnibus allegations against these appellants. He further submits that the occurrence had taken place on 09.06.2022 but the complaint was filed on 23.06.2022, after delay of more than 15 days, there is no explanation for the delay. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellants abuses the respondent no. 2/informant by taking caste name.

In the facts and circumstances of the case, let the



above named appellants, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum the Special Judge, SC/ST Act, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 552 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)

anand/-

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