

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3961 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKARPUR District- West Champaran

1. MANTOSH KUMAR @ MANTOSH KUMAR PATEL S/O Bodha Patel R/O Vill- Shihpur, P.S- Sathi, Distt- West Champaran
2. Raj Kumar @ Raja Kumar Patel S/O Ramashish Patel R/O Vill- Shihpur, P.S- Sathi, Distt- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Baitha S/O Chandradeo Baitha @ Chandraw Baitha R/O Vill- Takiya, Ward No- 01, P.S- Shikarpur, Distt- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

IA 01/2023 has been filed by the learned counsel for the appellants for condoning the delay of 13 days in filing of the present appeal.

After considering the reasons stated in the Application, I am inclined to condone the delay of 13 days in filing of the present Appeal.

Hence, IA 01/2023 is hereby allowed and disposed of.

Heard the parties.



Learned SPP for the State informs this Court that he has complied the order dated 04.01.2023 but nobody appeared on behalf of the respondent no.2.

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 04.07.2022 passed by learned Addl. District & Sessions Judge-cum-Special Judge (SC/ST) Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 249/2022 registered under Sections 341, 323, 307, 504, 325, 354 and 34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. 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. There is no specific overt act against the appellants. There is specific overt act against Prince Kumar, Manish Kumar Patel and Niraj Kumar Sah. Appellants have got no criminal antecedent as mentioned



in para-3 of memo of appeal.

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

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-cum-Special Judge (SC/ST) Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 249/2022, 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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