

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3674 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- PHENHARA District- East Champaran

1. Samir Chandra Suman Son Of Harendra Prasad Sinha Resident Of Village- Phenhara, Police Station- Phenhara, District- East Champaran
2. Binita Chandra Suman Wife Of Samir Chandra Suman Resident Of Village- Phenhara, Police Station- Phenhara, District- East Champaran
3. Santosh Kumar @ Santosh Srivastava Son Of Jatadhari Prasad Resident Of Village- Marpa Mohan, Police Station- Phenhara, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram Son Of Late Ramashish Ram R/O Village- Phenhara, P.S.- Phenhara, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Asif Kalim
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-02-2023 Heard learned counsel for the appellants 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 08.08.2022 passed by learned Special Judge SC/ST Act, East Champaran at Motihari, in connection with Phenhara P.S. Case No. 75 of 2022, registered under Sections 384, 387, 307, 341 and 342 of the Indian Penal Code and



Section 3(i)(5G)(10r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the informant was running shop since last 25 years which was given on rent by the father of the appellant, but the appellant in collusion with the local policemen came and forcibly vacated the shop and scattered the goods kept in the shop. All the accused persons further assaulted the informant by using his caste name.

Learned counsel for the appellants submits that they have falsely been implicated in this case. There is no allegation of slating the informant in the specific name of his caste. He submits that there is general and omnibus allegations against these appellants. He further submits that there is no specific allegation, against these appellants, of assaulting informant. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellant no. 1 has got four criminal antecedents and appellant no. 2 has got two criminal antecedents as mentioned in para-3 of memo of the appeal.

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

In the facts and circumstances of the case and the fact



that there is civil nature dispute between the parties, 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 Special Judge SC/ST Act, East Champaran at Motihari, in connection with Phenara P.S. Case No. 75 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/-

U		T	
---	--	---	--

