

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3713 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- SC/ST District- Samastipur

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1. RAVI KUMAR Son of Mahendra Mahto R/O Village- Ramnipatti Bhuidhara, P.S- Samastipur Muffasil, District- Samastipur
 2. Vijay Kumar Kushwaha Son of Tuntun Mahto R/O Village- Ramnipatti Bhuidhara, P.S- Samastipur Muffasil, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Kant Jee S/O Laxmi Kant Mahto R/O Village- Neya Dabur Bhuidhara, P.S- Samastipur Muffasil, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sujit Kumar Singh
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.

An IA petition petition is filed on behalf of the appellants for condoning the delay for filing the present appeal of 33 days.

Considering the grounds mentioned in the IA petitioner, I am inclined the delay in filing of the present appeal.

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

Learned Special Public Prosecutor 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 13.06.2021 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur P.S. Case No.82/2021 registered under Sections 147, 149, 341, 379, 354 and 504 of the Indian Penal Code and Section 3 (I) (s), 3 (2)(va) 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. The occurrence took place on 02.12.2021 but FIR lodged on 29.12.2021 there is delay of 27 days in filing of the present FIR. There is no any explanation for the delay in filing of the present FIR which creates serious doubt about the prosecution case. There is general and omnibus allegations levelled against the appellants. There is no specific overt act against any of these appellants. 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 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur P.S. Case No.82/2021, 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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