

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3731 of 2022

Arising Out of PS. Case No.-199 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

1. SONU RAI Son of Shankar Rai R/V- Paterha, P.S- Maharajganj, Dist- Siwan
2. Prince Rai Son of Raju Rai R/V- Paterha, P.S- Maharajganj, Dist- Siwan
3. Rohit Kumar Rai Son of Anil Rai R/V- Paterha, P.S- Maharajganj, Dist- Siwan
4. Mohit Kumar Rai @ Mohit Rai Son of Anil Rai R/V- Paterha, P.S- Maharajganj, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Asha Devi Wife of Jairam Manjhi R/V- Koirgawan, P.S- Bhagwanpur Hat, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Kant Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Notice is validly served upon respondent no.2,
nobody appears 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 29.09.2022 passed by learned Additional
District and Sessions Judge-1-cum Special Judge, Siwan, in
connection with Bhagwanpur Hat P.S. Case No. 199 of 2022



registered under Sections 147, 341, 323, 324, 307, 447, 448, 379 and 354 of the Indian Penal Code and Section 3(i)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the occurrence first took place at Janmasha where the orchestra was going on and the accused persons allegedly made them fled away after doing marpit and thereafter, the accused persons entered into the house of the informant and indulged in hurling abuses and loot-pat of ornaments and on being interference by her neighbours, they were assaulted commonly by all the accused persons by sword causing them injury.

Learned counsel for the appellants submits 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 appellant. He submits that the occurrence had taken place on 10.07.2022 and the FIR was lodged on 14.07.2022, after delay of four days and there is no explanation of delay in lodging the present case, which creates serious doubt on the prosecution case. Appellants have got one 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 abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the fact that there is delay in lodging 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 learned Additional District and Sessions Judge-1-cum Special Judge, Siwan, in connection with Bhagwanpur Hat P.S. Case No. 199 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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