

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.53 of 2022

Arising Out of PS. Case No.-170 Year-2020 Thana- MAJHAULIA District- West Champaran

1. NIRANJAN SINGH S/o Late Binod Singh Resident of Village- Rajabhar, P.S.- Majhauria, District- West Chamapran.
2. Munna Singh S/o Late Ramawatar Singh Resident of Village- Rajabhar, P.S.- Majhauria, District- West Chamapran.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sujeet Ram S/o Late Badri Ram Resident of Village- Rajabhar, P.S.- Majhauria, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Advocate
	:	Mr. Sanjeev Kumar, Advocate
		Ms. Bharti Rai, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 08-12-2023 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 16.11.2021 passed by the learned Additional District and Sessions Judge- cum- Special Judge, SC/ST Act, Bettiah, West Champaran in A.B.P. No. 2158 of 2021 in connection with Majhauria P.S. Case No. 170 of 2020 dated



01.04.2020 registered for the offence/s punishable u/ss 341, 323, 324, 325, 504, 506 and 354 read with section 34 of the Indian Penal Code and 3(1)(r) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have abused the informant's brother by calling his caste name and they also assaulted his brother who sustained injury on his eye and left hand. When the informant went to rescue, the accused persons Munna Singh and Sandeep Singh assaulted on his head and chest causing injuries. On halla, when the family members of the informant came to rescue, all the accused persons also assaulted them with lathi danda and iron rod, causing injuries to them.

4. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. There is a delay of seven days in lodging the FIR from the date of the alleged incident. There is general and omnibus allegation against the appellants. No one have sustained any grievous injury. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time alleged occurrence. The said word is not laced with the casteist remark. As per FIR, no member of public was present at the relevant point of time of the incident. There is no allegation



of hurling of caste related abuse at the informant by the appellants. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under section SC/ST Act. The appellant no. 1 is also accused in one more criminal case whereas the appellant no. 2 is accused in two other criminal cases as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 16.11.2021 passed by the learned Additional District and Sessions Judge- cum- Special Judge, SC/ST Act, Bettiah, West Champaran in A.B.P. No. 2158 of 2021 in connection with Majhauria P.S. Case No. 170 of 2020, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like



amount each to the satisfaction of the learned Additional District and Sessions Judge- cum- Special Judge, SC/ST Act, Bettiah, West Champaran in A.B.P. No. 2158 of 2021 in connection with Majhauria P.S. Case No. 170 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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