

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3930 of 2022

Arising Out of PS. Case No.-250 Year-2022 Thana- NAANPUR District- Sitamarhi

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1. SITARE @ SITAREY Son of Md. Jafar Wahid @ Jakar Wahid Resident of Village- Godaul Sharif, P.S.- Nanpur, District- Sitamarhi
 2. MD. MINHAZ @ MINHAZ AHMAD @ MD. MINHAJ Son of Md. Jafar Wahid @ Jakar Wahid Resident of Village- Godaul Sharif, P.S.- Nanpur, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Ful Kumari Devi Wife of Lalan Ram Resident of Village- Godaul Sharif, P.S.- Nanpur, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pushpendra Kumar Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

In compliance of the order of this Court, learned Spl.PP for the State informed the informant but nobody appears on her behalf.

Learned counsel for the appellants is permitted to make correction in Para 3 of the memo of appeal in course of the day.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail



vide order dated 20.09.2022 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in connection with Nanpur P.S. Case No. 250 of 2022 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Section 3(1) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants are said to have destroyed the informant's hut and abused her by calling out her caste name. They also assaulted her.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. Slating the informant/complainant in the name of caste is said to have not been made in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of ten days in lodging the case without



assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have one criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, since there is admitted land dispute and there is delay in lodging the FIR, 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 released 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 the learned 1st Addl. Sessions Judge cum Special Judge SC/ST (POA) Act, Sitamarhi in connection with Nanpur P.S Case No. 250 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)

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