

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3935 of 2022

Arising Out of PS. Case No.-188 Year-2019 Thana- CHANDAN District- Banka

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1. MANTOO DAS SON OF JHABBU DAS R/O VILL.- DURBINIYA, P.S.- CHANDAN, DISTT.- BANKA
 2. ASHOK YADAV SON OF LATE KALESHWAR YADAV R/O VILL.- DURBINIYA, P.S.- CHANDAN, DISTT.- BANKA
 3. SHYAM SUNDER YADAV @ CHURO YADAV SON OF BALDEO YADAV R/O VILL.- HETH CHANDAN, P.S.- CHANDAN, DISTT.- BANKA

... .. Appellant/s

Versus

1. The State of Bihar
2. BIPIN DAS SON OF LATE DURGA DAS R/O VILL.- HETH CHANDAN, P.S.- CHANDAN, DISTT.- BANKA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar Pandey
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.

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 14.10.2022 passed by learned Additional Sessions Judge 1st-cum-Special-Judge SC/ST Act Banka in connection with Chandan P.S. Case No. 188/2019, registered under Sections 447, 341, 323. 504, 506 and 34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that on 02.11.2019 at 11 O'Clock all accused persons named in the FIR came into the house of the informant with weapons and they abused in the name of his caste and assaulted the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The occurrence took place on 02.11.2019 but FIR lodged on 10.11.2019 and there is no any explanation for the delay in filing of the present FIR which creates serious doubt about the prosecution case. There is specific overt act against appellant no.2 to abuse the informant by taking his caste name inside the house. No case is made out against the appellants under SC/ST Act because the occurrence took place inside the house not in public view. 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 all the occurrence took place inside the house, 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 Additional Sessions Judge 1st-cum-Special-Judge SC/ST Act Banka in connection with Chandan P.S. Case No. 188/2019, 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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