

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4473 of 2023

Arising Out of PS. Case No.-399 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. ARVIND RAI SON OF LAL BABU RAI VILLAGE- BHATANDI SALEMPUR, PS- HAJIPUR SADAR, DIST- VAISHALI
2. Rahul Kumar Son of Lal Babu Rai VILLAGE- BHATANDI SALEMPUR, PS- HAJIPUR SADAR, DIST- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RANI DEVI W/O UPENDRA RAI VILLAGE- BHATANDI SALEMPUR, PS- HAJIPUR SADAR, DIST- VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravish Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 08.11.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

3. 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 12.09.2023 passed by learned Special Judge



-SC/ST, Vaishali at Hajipur in connection with Hajipur Sadarr P.S. Case No.399 of 2023, registered under Sections 147, 148, 149, 323, 342, 307 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants along with other co-accused persons entered into the house of the respondent no.2 and her family members and also abused the respondent no.2 by taking her caste name.

5. 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 the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. He further submits that from the perusal of the case diary it is clear that the informant has sustained two grievous injuries but it is not stated anywhere that who is the author of the said injuries. He further submits that there is an inordinate delay of about four months in the lodging of the present case as the date of occurrence is 17.06.2022 and the date of filing of complaint case is 20.10.2022, which creates a serious doubt over the genuineness of the prosecution story. Appellants have no



criminal antecedent as mentioned in para-3 of memo of appeal.

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

7. In the facts and circumstances of the case as there is general and omnibus allegation against the appellants, 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 the learned Special Judge -SC/ST, Vaishali at Hajipur in connection with Hajipur Sadarr P.S. Case No.399 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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