

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3919 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SC/ST District- Purnia

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1. SHEKHAR MANDAL Son of Sri Jai Narain Mandal Resident of Village-Chharrapatti, Nagrah Tola Basa, Ward No.-9, P.S.- Tikapatti, District- Purnea
 2. JAI NARAIN MANDAL Son of Late Lutan Mandal Resident of Village-Chharrapatti, Nagrah Tola Basa, Ward No.-9, P.S.- Tikapatti, District- Purnea
 3. RANJAN MANDAL Son of Sri Jai Narain Mandal Resident of Village-Chharrapatti, Nagrah Tola Basa, Ward No.-9, P.S.- Tikapatti, District- Purnea
 4. SULEKHA DEVI Wife of Sri Ranjan Mandal Resident of Village-Chharrapatti, Nagrah Tola Basa, Ward No.-9, P.S.- Tikapatti, District- Purnea
 5. TETARI DEVI Wife of Shekhar Mandal Resident of Village- Chharrapatti, Nagrah Tola Basa, Ward No.-9, P.S.- Tikapatti, District- Purnea
 6. ANJOLA DEVI Wife of Sri Jai Narain Mandal Resident of Village-Chharrapatti, Nagrah Tola Basa, Ward No.-9, P.S.- Tikapatti, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawani Devi @ Pawan Devi Wife of Sri Ghutar Sharma Resident of Village-Chharrapatti, Nagrah Tola Basa, Ward No.-9, P.S.- Tikapatti, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Anand, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard the parties.

Learned Spl.PP for the State submits that he informed the respondent no.2 but nobody appears on her behalf.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

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 Special Judge (SC/ST Act), Purnea in connection with SC/ST P.S. Case No. 56 of 2021 registered under Sections 147, 148, 341, 323, 379, 354, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, appellants are said to have looted the informant's crop. On raising objection, they assaulted the informant and her husband and abused them by taking their caste name.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste have not been made in public view, hence no offence under SC/ST Act is made out against the appellants. He further submits that the occurrence took place on 15.03.2020 and the complaint case was lodged on 21.09.2021. There is inordinate delay in lodging the case



without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Learned counsel for the appellants relies upon the Judgment **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail by submitting that appellants are involved in this case.

In the facts and circumstances of the case, since 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 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 Act), Purnea in connection with SC/ST P.S Case no. 56 of 2021, 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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