

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4140 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- GOBARDHANA District- West
Champaran

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1. UMA DEVI W/O SHYAM BHAGAT Resident of village- Pathari Ward No- 12, P.S.- Gobardhana, Dumari, District- West Champaran.
 2. AKHILESH BHAGAT @ AKLESH KUMAR S/O SHYAM BHAGAT Resident of village- Pathari Ward No- 12, P.S.- Gobardhana, Dumari, District- West Champaran.
 3. NILLU BHAGAT @ NILLU KUMAR S/O SHYAM BHAGAT Resident of village- Pathari Ward No- 12, P.S.- Gobardhana, Dumari, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. OM PRAKASH BAITHA S/O LATE NARAYAN BAITHA Resident of village- Pathari Ward No- 12, P.S.- Gobardhana, Dumari, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kr Singh No. 1, Adv.
For the Respondent/s : Mr.Usha Kumari 1, APP.

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 respondent no.2 but nobody appears
on his behalf.

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



11.10.2022 passed by learned 1st Additional District & Sessions Judge cum Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Gobardhana P.S. Case No. 35 of 2022 registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i) (r) (s), 3(ii), (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, petitioners are said to have abused the informant by taking his caste name. They also assaulted the informant side by means of lathi-danda.

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 ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of eight days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Both the parties are co-villagers. Matter has been resolved between them and in this regard the informant has filed a compromise petition before the Court below. 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.

In the facts and circumstances of the case, since there is compromise between the parties, 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 1st Addl. District & Sessions Judge cum Special Judge (SC & ST Act), Bettiah, West Champaran in connection with Gobardhana P.S. Case No. 35 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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