

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4148 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- CHHAURADANO District- East
Champaran

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PRAVEEN KUMAR SON OF GANGA TIWARI R/O VILLAGE- MATHIYA
BRIT, P.S.- CHHAURADANO, DISTRICT- EAST CHAMPARAN,
MOTIHARI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. LALITA DEVI WIFE OF ASHA BAITHA R/O VILLAGE- MATHIYA
BRIT, P.S.- CHHAURADANO, DISTRICT- EAST CHAMPARAN,
MOTIHARI

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl.PP for the State informed this Court that he
complied the order dated 22.03.2023 and informed the
informant/complainant about the present case but nobody has
entered appearance on her 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
01.11.2022 passed by learned Special Judge, SC/ST Act, East



Champaran, Motihari in connection with Chhauradano P.S. Case No.278 of 2022, registered under Sections 341, 323, 379, 354, 504/34 of the Indian Penal Code and Section 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that he alongwith other co-accused persons assaulted the informant by means of *lathi* and *danda*.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature moreover it is in the night at 9 PM and cannot be said to be in public view. Hence, no offence under SC/ST Act is made out against the appellant. He further submits that there



is a case and counter-case between the parties. He further submits that the injuries are simple in nature. Appellant has no 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, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST Act, East Champaran, Motihari in connection with Chhauradano P.S. Case No.278 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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