

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1114 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- SC/ST BETTIAH District- West
Champaran

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JAGMOHAN RAM S/o Radha Ram R/o village- Shyampur, P.S.- Majhauiliya,
Distt- West Champaran. At present village- Baswariya (Shikshak Nagar), P.S.-
Bettiah Town, Distt- West Champaran. Appellant/s

Versus

1. The State of Bihar
2. Parma Kumar Ram S/o Kinu Ram R/o Village- Shyampur, P.S.- Majhauiliya,
Distt- West Champaran.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2024 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed
that in compliance of the order dated 18.10.2023, he has
informed the informant but none is present on his 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
01.02.2023 passed by learned 1st Additional Sessions Judge cum
Special Judge (SC/ST Act), West Champaran at Bettiah in
connection with Bettiah SC/ST P.S. Case No. 10 of 2022
registered under Sections 420, 406, 504 & 506/34 of the Indian



Penal Code and Section 3(1) (r), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The appellant along with one Chandan Mishra is said to have taken Rs.2,07,000/- from the informant in lieu of a sale of a land but, later on, the informant got information that there was no any land and when he requested to return his money, they slated him by taking his caste name and threatened also.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Appellant has been falsely implicated in the case due to sale and purchase of land. Slating the informant in the name of caste is said to have been made at the house of co-accused, Chandan Mishra and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of six months in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation levelled against the appellant is not specific rather general and omnibus in nature rather the specific allegation is against co-accused, Chandan Mishra. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.



6. Learned Spl. PP for the State opposed the prayer for bail.
7. In the facts and circumstances of the case, 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 learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No.10 of 2022, 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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