

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1665 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- PAKRIDAYAL District- East Champaran

1. Bhairaw Sah Son of Late Sheodhari Sah Resident of Village- Sisahani, P.S. Pakaridayal, District- East Champaran
2. Sandeep Kumar S/o Sri Nawal Kishore Sah Resident of Village- Sisahani, P.S. Pakaridayal, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunaina Devi W/o Late Babu Lal Ram Resident of Village- Sisahani, P.S. Pakaridayal, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alka Singh. Adv.
For the State	:	Mr. Usha Kumari 1, Spl. PP
For the Respondent no. 2	:	Mr. Shamir Mehra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2024 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 04.03.2024, passed by learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 244 of 2023, registered under Sections 341, 323, 324, 354, 379, 506/34 of the IPC, Section 25(1-a) of the Arms Act and Sections 3(i) (r) (s) of SC/ST Act.

3. Appellants are said to have abused the informant by taking caste name and also assaulted him.



4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that the injury found upon the victim is simple in nature. He submits that there is case and counter case in between the parties. He further submits that appellant no. 1 has four criminal antecedent and appellant no. 2 has no criminal antecedent as stated in para-3 of this appeal.

5. However, learned APP for the State and respondent no. 2 oppose the prayer for bail and submit that there is specific overt act against the appellants to abuse the informant by taking caste name.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Padaridayal P.S. Case No. 244 of 2023.

7. However, if the appellants surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be considered by the learned court below on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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