

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3272 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- MEHSI District- East Champaran

1. Lalbabu Rai Son Of Baldeo Rai Resident Of Village- Kankatti, Ps- Mehshi, Distt- East Champaran
2. Jai Prakash Kumar @ Jaiprakash Yadav Son Of Bhola Rai @ Bhola Prasad Yadav Resident Of Village- Kankatti, Ps- Mehshi, Distt- East Champaran
3. Bhola Rai @ Bhola Prasad Son Of Firangi Rai Resident Of Village- Kankatti, Ps- Mehshi, Distt- East Champaran
4. Lakhi Rai @ Lakhindra Rai Son Of Jailal Rai Resident Of Village- Kankatti, Ps- Mehshi, Distt- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMSURAT RAM SON OF CHATURI RAM RESIDENT OF VILLAGE- KANKATTI, PS- MEHSI, DISTT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sumit Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2024 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 03.07.2023 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with A.B.P. No. 2278 of 2023, arising out of Mehshi P.S. Case No. 121 of 2023, registered for the alleged offences under Sections 147, 341, 323, 379, 427 of the Indian Penal Code and



Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. As per the prosecution case, some persons of his village began to demolish his house and abused him in filthy language. The appellant No. 1 assaulted with knife and Jai Prakash Yadav and Rahul Yadav caught him and Bhola Rai assaulted with iron rod on his head causing head injury. When the informant was going to the Police Station then the accused persons obstructed in the way and asked the informant that if he informed police, the accused persons would burn alive all his family members.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The allegation of abusing against the appellants is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellants. There is case and counter case between both the parties. The appellant no. 4 has one criminal antecedent in which he is on bail and the rest appellants have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the



case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 03.07.2023 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with A.B.P. No. 2278 of 2023, arising out of Mehshi P.S. Case No. 121 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with A.B.P. No. 2278 of 2023, arising out of Mehshi P.S. Case No. 121 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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