

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3718 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- ADAPUR District- East Champaran

1. LALU MIYA S/o Anwar Miya R/o vill - Murtiya, P.S. - Adapur, Distt. - East Champaran
2. Anwar Miya Son of Late Suleman Miyan R/o vill - Murtiya, P.S. - Adapur, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jai Basant Kumar Son of Jairam Paswan R/o vill - Murtiya, P.S. - Adapur, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhannjay Kumar No 2
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. In compliance of the order dated 18.10.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her 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 Adapur P.S. Case No.106 of 2023, passed by



learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Adapur P.S. Case No.106 of 2023, registered under Sections 341, 323, 353, 504, 34 of the Indian Penal Code and Section 3(i) (r) (s) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, the appellants obstructed in Government work and assaulted the informant and others by fists and slaps and also abused by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. There is inordinate delay of four days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail by submitting that there is direct allegation against the



appellants to abuse the informant by taking caste name in a public place.

7. Considering the facts and circumstances of the case as there is specific allegation against the appellants, I am not inclined to enlarge the appellants on bail. The prayer for grant of bail on their behalf is hereby rejected.

8. Accordingly, this appeal stands dismissed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

