

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3699 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SC/ST District- East Champaran

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1. Vinay Kumar Son Of Hari Rai Resident Of Village- Mahuawa Tola Dhekaha, Ps- Muffasil, Distt- East Champaran
 2. Nawal Rai Son Moti Rai Resident Of Village- Mahuawa Tola Dhekaha, Ps- Muffasil, Distt- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Naresh Ram Son Of Late Jawahar Ram Resident Of Village- Kishunpur (bishunpur), Ps- Jharokhar, Distt- East Champaran, At Present Resident Of Village- Ward No. 4, Banjariya, Ps- Banjariya, Distt- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jitendra Kumar
For the State	:	Ms. Usha Kumari 1
For the Respondent No.2:	:	Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. 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 24.07.2023 passed by learned Special Judge SC/ST Act, East Champaran at Motihari, in connection with SC/ST P.S. Case No. 20 of 2023 registered under Sections 147,



341, 323, 324, 504 of the Indian Penal Code and Section 3(i)(r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants along with other co-accused persons are said to have abused and assaulted the informant.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under SC/ST Act is made out against the appellants. He submits that the occurrence took place on 17.03.2023 and the F.I.R. was lodged on 28.03.2023, i.e. after delay of 12 days and there is no explanation regarding the delay, which creates serious doubt on the prosecution case. Appellants have got one criminal antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that there is delay in lodging the present F.I.R., let the above named appellants, in the event of their arrest or



surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of earned Special Judge SC/ST Act, East Champaran at Motihari, in connection with SC/ST P.S. Case No. 20 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

anand/-

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