

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3377 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- SAHODARA District- West Champaran

1. HARI PRASAD @ HARI PRASAD RAUT Son of Satyanarayan Prasad Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
2. Rita Devi Wife of Kishundeo Prasad Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
3. Mandrani Devi Wife of Indrasan Prasad Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
4. Laxman Prasad @ Lachuman Raut Son of Satyanarayan Prasad Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
5. Pawan Prasad @ Pawan Raut Son of Laxman Prasad @ Lachuman Raut Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
6. Bhagirathi Devi @ Bhagrati Devi Wife fo Hari Prasad @ Hari Prasad Raut Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
7. Indrasan Prasad @ Ingrasan Raut Son of Satyanarayan Prasad Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
8. Kuldeep Prasad @ Kuldeep Kumar Son of Kishundeo Prasad Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.
9. Nagendra Prasad Son fo Hari Prasad @ Hari Prasad Raut Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandani Devi Wife of Bechu Paswan Resident of village - Bajra, P.S.- Sahodara, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Adv. Ms. Bharti Rai, Adv.
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent no. 2:	:	Mr. Umesh Chandra Verma, Adv. Mr. Sharad Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 25-10-2024 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 06.09.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC&ST) Bettiah, West Champaran, in connection with Sahodara P.S. Case No. 96 of 2022 registered under Sections 341, 323, 354B, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the appellants are said to have assaulted the informant and abused her by taking her caste name.

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 there is no specific overt act against the appellants, this fact is also not denied by learned counsel for the respondent no. 2. Appellants have got no 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 bail.

6. Considering the facts and circumstances of the case and the fact that there is general and omnibus allegation against the appellants, 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 1st Additional District & Sessions Judge-cum-Special Judge (SC&ST) Bettiah, West Champaran, in connection with Sahodara P.S. Case No. 96 of 2022, 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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