

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4253 of 2023

Arising Out of PS. Case No.-501 Year-2021 Thana- SUGAULI District- East Champaran

1. Rakesh Kumar @ Ramesh Kumar Son Of Nawal Kishore Sah Resident Of Village- Nayka Tola, Ps- Sugauli, Distt- East Champaran
2. Lalita Devi @ Lalti Devi Wife Of Nawal Kishore Sah Resident Of Village- Nayka Tola, Ps- Sugauli, Distt- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhurendra Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of order dated 01.11.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

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 07.08.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 501 of 2021 registered under Sections



147, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the allegation against the appellants along with other co-accused persons is that they have abused and assaulted the brother-in-law of the informant. Appellant no. 1 is said to have stabbed brother-in-law of the informant by means of knife.

5. 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 appellant. He submits that there is no specific over act against appellant no. 2. He further submits that there is compromise between the parties, a copy of compromise petition is enclosed as Annexure-4 to this application. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that there is compromise between the parties,



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 learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 501 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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