

Arising Out of PS. Case No.-27 Year-2012 Thana- SC/ST District- East Champaran

- Appellant/s

1. The State of Bihar
2. Champa Devi W/o Ram Sunder Ram R/o vill - Loknathpur, P.S.- Muffasil,
Distt.- East Champaran

... .. Respondent/s

For the Appellant/s : Mr.Kundan Rathore@ Kundan Kumar
For the Respondent/s : Mr.Binay Krishna, Spl. PP
Mr. Jitendra Kumar Giri, Advocate

6 31-03-2026 1. Heard learned counsel for the appellants, learned
Spl. P.P. for the State, Sri Binay Krishna and the learned counsel
appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST



Act”) against the refusal of prayer for anticipatory bail vide order dated 17-10-2024 in A.B.P. No. 4613 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari SC/ST P.S. Case No. 27 of 2012 registered for the offences punishable under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code as well as Sections 3(i)(x)(xi)(v) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant nos. 1, 3 and 4 have antecedent of one case and appellant nos. 2, 5, 6, 7 are persons with clean antecedent and appellant nos. 3 and 7 are women and the informant alleges that on 20-6-2012 at 2 PM, the accused persons including the appellants came on her land and abused the informant by taking her caste name and even assaulted and when her daughter came to save her, all the accused persons assaulted her and spat on her body and abused by taking caste name. It is next alleged that the proceeding under Section 144 Cr.P.C is going with respect to the land in dispute.

4. Learned counsel for the appellants submits no doubt the case is of the year 2012, but then from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault and abuse is general and omnibus in nature.



It is next submitted that it does not appear probable that all the accused in one go would have abused the informant and her daughter by taking caste name and as far as allegation of assault is alleged, the same is also not specific. It is further submitted that police during the course of investigation had given benefit of Section 41A of the Cr.P.C, but then in a mechanical manner, charge-sheet came to be submitted in the year 2013 based on which cognizance was also taken in the year 2013, but then appellants were not aware that charge-sheet has been submitted as they never received any summons after cognizance was taken. It is also submitted that when police during the course of investigation never felt the need of arresting the appellants, whether it would be prudent for the court to send the appellants to jail, on which the learned Spl. P.P. submits that appellants since 2013 are not appearing before the court, on which the learned counsel appearing on behalf of the appellants submits that appellants till date have not been declared absconder, which amply demonstrates that the case also remained pending in the learned trial court after cognizance and recently when the police came knocking the door, the appellants came to know that charge-sheet has been submitted, cognizance came to be taken and non-bailable warrant of arrest has been issued. Learned



counsel for the appellants further submits that the entire family members including women members of the family have been implicated with general and omnibus allegation.

5. Learned counsel for the informant submits that since cognizance has been taken and non-bailable warrant of arrest has been issued as such it is not a fit case for grant of anticipatory bail, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that allegation of assault and abuse is general and omnibus in nature and on account of dispute relating to land, the occurrence is alleged to have taken place.

6. After hearing the learned counsel for the parties, the Court was inclined to release the appellants on anticipatory bail but for the order of cognizance and non-bailable warrant of arrest which has been issued in May 2024, as such the appellants are directed to surrender before the learned trial court on 9-4-2026 and in the event if the appellants surrender before the learned trial court on 9-4-2026, in that event, the learned trial court shall consider and dispose of the case on the same day.

7. The order has been passed in presence of learned counsel appearing on behalf of the informant.



8. Accordingly, the appeal is disposed of.

(Satyavrat Verma, J)

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