

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.910 of 2019

Arising Out of PS. Case No.-662 Year-2018 Thana- FATUA District- Patna

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1. Saritagiri @ Sarita Devi, Wife of Sri Yogendra Giri, Resident of village- Sri Rampur, P.S.- Fatuha, District- Patna.
 2. Yogendra Giri @ Joginder Giri S/o Late Nagina Giri, Resident of village- Sri Rampur, P.S.- Fatuha, District- Patna.
 3. Bala Giri @ Bali Kumar S/o Sri Yogendra Giri, Resident of village- Sri Rampur, P.S.- Fatuha, District- Patna.
 4. Gonauri Giri @ Ravindra Giri S/o Nagina Giri, Resident of village- Sri Rampur, P.S.- Fatuha, District- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar Chaurasia

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 25-06-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 19.12.2018 passed by learned Special Judge SC/ST Act, -cum-Additional District and Sessions Judge-IV, Patna in connection with Fatuha P.S. Case No.662 of 2018 registered under Sections 341, 323, 379 & 385/34 of the Indian Penal



Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Yogendra Giri and Bala Giri are said to have intruded into their house by stealing the plywood from the truck of the informant and when the informant intruded into the house chasing them all the four accused persons assaulted and slated him in the name of his caste and demanded extortion money of Rs.50,000.00 for running factory by his owner and also snatched Rs.20,000.00 from his pocket.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. They have no knowledge of the caste of the informant as both are residents of different places and moreover the allegation of slating the informant is not made in public view rather in the house of appellants, hence the offence under SC/ST Act is not made out. The allegation levelled against the appellants are not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the



above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, -cum- Additional District and Sessions Judge-IV, Patna in connection with Fatuha P.S. Case No.662 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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