

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.979 of 2019

Arising Out of PS. Case No.-492 Year-2018 Thana- BIDUPUR District- Vaishali

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1. Avinash Kumar S/O Rasbihari Singh, R/O Village- Daudnagar, Bidupur Bazar (Khilvat), P.S.- Bidupur, District- Vaishali.
 2. Avishek Kumar @ Karu Singh, S/O Late Bijay Singh, R/O Village- Daudnagar, Bidupur Bazar (Khilvat), P.S.- Bidupur, District- Vaishali.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rina Sinha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 03-07-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The appellants seek pre-arrest bail in connection with Bidupur P.S. Case No. 492 of 2018 registered under Sections 341, 323, 307, 354, 376 & 511/34 of the Indian Penal Code, Section 3 (1) (r) (w) (s) (i, ii) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 and Section 67 & 67-A of the I.T. Act.

Co-accused Raja Kumar and Nitish Kumar are said to have tried to outrage the modesty of the sister of the informant by stripping her attire and took her photograph and posted it on the face book. On the date of occurrence, while the



informant was proceeding for defecation appellants along with 2-3 unknown miscreants surrounded him and slated him in the name of his caste and also assaulted him by means of lathi and fists.

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 due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Informant has not sustained any injury and there is no injury report in the case diary. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. 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 be released on bail, 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No.492 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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