

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1259 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- SANDESH District- Bhojpur

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1. Kamlesh Singh Son of late Lalan Singh, Resident of Village- Dihri, P.S.- Sandesh, District- Bhojpur at Ara.
 2. Bittu Singh, Son of Kamlesh Singh, Resident of Village- Dihri, P.S.- Sandesh, District- Bhojpur at Ara.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rama Kant Singh

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

7 03-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 12.02.2019 passed by learned 1st Addl. Sessions Judge, Bhojpur, Ara in Sandesh P.S. Case No. 143 of 2018 registered under Sections 143, 323, 325, 307 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with three other named accused persons are said to have assaulted on the head and cheek of



Nandkeshwar Paswan by means of brickbat inflicting injury to him. They always persecuted and oppressed the member of Scheduled Castes and slated and assaulted them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to animosity. There is case and counter case between the parties. Person of the appellants side also sustained injury in the occurrence. There is no apparent injury on the person of Nandkeshwar Paswan as doctor has only reported about complain of pain in the head and left face of the said victim. No case has been filed either by the informant or other regarding tormenting, slating and assaulting the member of the Scheduled Castes by the appellants earlier. Aforesaid allegation levelled against the appellants is 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, let 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, on furnishing bail bond of



Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Bhojpur, Ara in Sandesh P.S. Case No. 143 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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