

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1177 of 2019

Arising Out of PS. Case No.-112 Year-2017 Thana- MASAUDHI District- Patna

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1. Chandan Kumar Son of Anil Sharma Resident of Village - Gopalpur, P.S.- Masaurhi, District- Patna
 2. Kundan Kumar Son of Anil Sharma Resident of Village - Gopalpur, P.S.- Masaurhi, District- Patna
 3. Anil Sharma Son of Late Ramanak Sharma Resident of Village - Gopalpur, P.S.- Masaurhi, District- Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 21-08-2019 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 03.11.2018 passed by learned Addl. District & Sessions Judge-IV-cum Special Judge, SC/ST, Patna in Masaurhi P.S. Case No. 112 of 2017 registered under Sections 448, 341, 323, 506, 509, 379/34 of the Indian Penal Code and Section 3(1)(x)(I)(2a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants are said to have arrived at the house of the informant and applied physical force against her, and on protest made by her, they assaulted her inflicting injury on her head and they also slated in the name of her caste.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case over quarrel among children of both the parties. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. Slating the informant in the name of her caste is said to have been made inside her house and not in the public view, hence, no offence under the SC/ST Act is made out against the appellants.

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 Addl. District &



Sessions Judge-IV-cum Special Judge, SC/ST, Patna in
Masaurhi P.S. Case No. 112 of 2017, 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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