IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1078 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- SC/ST District- Munger

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ANSHU KUMAR Son of Milan Kumar Resident of Janta Morh, Khalasi Tola, P.S.- Jamalpur, District- Munger

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Anurag Saurav
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 06-08-2019 Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 05.02.2019 passed by learned 1st Addl. Sessions Judge, Munger in Munger (SC/ST) P.S. Case No. 46 of 2018 registered under Sections 341, 323, 504, 506, 379, 354, 406, 420 and 120(B) of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellant and his father namely Milan Kumar are said to have taken loan amount of Rs. 6 lacs from the informant in lieu of vending their house in favour of the informant and executed an agreement to sell in favour of the informant on

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20.08.2014, but they neither executed the house nor returned her money. Aforesaid money was accorded to them through cheque in the account of the appellant. When the informant along with others arrived at the house of the appellant, appellant along with other named accused persons took the informant and her husband inside the house and assaulted them by means of leg and fist. Co-accused Milan Kumar misbehaved with her and snatched her golden chain and also slated her in the name of her caste.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case. As a matter of fact, regarding non-execution of the sale deed, informant has lodged two other cases against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Occurrence of slating the informant in the name of her caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellant. None has sustained any injury in the occurrence. Appellant is on bail in aforesaid two cases and father of the appellant has agreed to execute land in favour of the informant in the aforesaid case.

Learned Spl. PP for the State opposed the prayer for

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bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Munger in connection with Munger (SC/ST) P.S. Case No. 46 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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