

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1252 of 2019**

Arising Out of PS. Case No.-341 Year-2016 Thana- SONEPUR District- Saran

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Mukha Rai @ Mukh Lal Roy Son of Parmeshwar Rai Resident of Village -
Barbatta, P.S.- Sonapur in the District of Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Braj Nandan Kumar Tiwary
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 31-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 4.01.2019 passed by learned 1st Addl. Sessions
Judge, Saran at Chapra in Sonapur P.S. Case No. 341 of 2016
registered under Sections 341, 323, 420, 406/34 of the Indian
Penal Code and Section 3(1)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have got negotiated about
vending of the land by Arbind Kumar to the informant in Rs.
2,20,000/- against receipt of the money, but the said proposed



vendor did not execute the sale deed in favour of the informant and on mounting pressure, he executed an agreement in favour of the informant for return of the money, but in vain. Then the informant gave legal notice to the appellant and being peeved with the aforesaid notice, the appellant is said to have slated the informant in the name of his caste and also assaulted him by means of fist in the market.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case merely because he happened to be mediator of the said transaction. He has neither taken money nor executed the agreement in favour of the informant. Allegation of slating the informant in the name of his caste and fisting him levelled against the appellant is not specific rather general and omnibus in nature. None of the witnesses in the case diary has stated about slating the informant in the name of his caste by the appellant in the public view and the informant has not sustained injury in the occurrence, hence, no offence under SC/ST Act is made out against the appellant.

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

In 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 learned 1st Addl. Sessions Judge, Saran at Chapra in connection with Sonepur P.S. Case No. 341 of 2016, 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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