

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1320 of 2019

Arising Out of PS. Case No.-786 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. MUKESH KUMAR, Son of late Ram Ratan, Resident of Mohalla Ratan path, Road No.14, House No. 279, East Ashok Nagar Police Station Kankarbagh, District- Patna.
 2. Sudha Kumari, wife of Mukesh Kumar, Resident of Mohalla Ratan path, Road No.14, House No. 279, East Ashok Nagar Police Station Kankarbagh, District- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Parichhan Sao S/O Late Mahangu Sao R/o Mohalla- Ashok Nagar Road No.-14, P.S.- Kankarbagh, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Dwivedi
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 25-06-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 22.02.2019 passed by learned Special Judge (SC/ST Act), Patna in Complaint Case No. 786(C) of 2017 registered under Sections 323 and 379 of the Indian Penal Code and Section 3(i) (x) of the SC/ST Act.

Appellants are said to have slated the complainant in the name of his caste in the market and also assaulted him over



row of giving evidence against them in favour of the brother of the appellant no.1 and also spat on his face.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Complainant has lodged this case at the instigation of brother of appellant no.1 with whom litigation is pending. Complainant also happens to be tenant of his brother. During the course of enquiry, two witnesses namely Mahesh Kumar and Dayanand Prasad have been examined by the prosecution as enquiry witnesses. Dayanand Prasad has simply stated about assaulting and abusing the informant at the hand of the appellants though Mahesh Kumar has supported the occurrence but in reply to court question he has vented his ignorance about the complainant. He has also failed to disclose the day and date of the occurrence. The informant has not sustained any sort of injury in the occurrence. Hence no offence under SC/ST Act is made out against the appellants.

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

Having regard to 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 the learned Special Judge (SC/ST Act), Patna in Complaint Case No. 786(C) 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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