

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1301 of 2019

Arising Out of PS. Case No.-276 Year-2017 Thana- SABAUR District- Bhagalpur

1. BARUN DAS Son of Late Bisu Das Resident of Village - Gheeya, P.S.- Goradih, Distt.- Bhagalpur.
2. Janardan Mandal @ Janardan Prasad Mandal Son of Late Uchit Mandal Resident of Village - Gheeya, P.S.- Goradih, Distt.- Bhagalpur.
3. Rajendra Mandal Son of late Jai Narayan Mandal Resident of Village - Gheeya, P.S.- Goradih, Distt.- Bhagalpur.
4. Sushil Rai Son of Late Hari Rai Resident of Village - Gheeya, P.S.- Goradih, Distt.- Bhagalpur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shiwesh Chandra Mishra
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 25-06-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19.11.2018 passed by learned 3rd Addl. Sessions Judge cum Special Judge SC/ST Act, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 276 of 2017 registered under Sections 341, 323 & 504/34 of the Indian Penal Code and



Section 3(1) (r), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have assaulted the informant, slated him in the name of his caste and pulled the gamcha wrapping around his neck over row of fixing electric pole in his field.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants are not specific rather general and omnibus in nature. Appellant no.1-Barun Das happens to be member of scheduled caste. Witnesses in various paras of the case diary has stated that the appellants have not taken the caste name of the informant. Hence, no offence under Section 18 of the SC/ST Act is made out against the appellants. There is 8 days delay in lodging the F.I.R. and no plausible and convincing reason has been assigned for the delay. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge cum Special Judge SC/ST Act, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 276 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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