

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1300 of 2019

Arising Out of PS. Case No.-109 Year-2018 Thana- SC/ST District- Darbhanga

1. ARUN JHA @ ARUN KUMAR JHA Son of Sita Ram Jha Resident of Village - Kaligaon, P.S.- Singhwara, District- Darbhanga
2. Harkhit Jha @ Harkhit Kumar Jha @ Hari Om Jha Son of Arun Jha @ Arun Kumar Jha Resident of Village - Kaligaon, P.S.- Singhwara, District- Darbhanga
3. Hari Om Jha @ Hari Om Kumar Jha @ Om Prakash Jha Son of Arun Jha @ Arun Kumar Jha Resident of Village - Kaligaon, P.S.- Singhwara, District- Darbhanga
4. Vasuki Jha @ Vasuki Kumar Jha Son of Arun Jha @ Arun Kumar Jha Resident of Village - Kaligaon, P.S.- Singhwara, District- Darbhanga

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mithilesh Kumar Rai
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 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 27.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in connection with Darbhanga (SC/ST) P.S. Case No. 109 of 2018 registered under



Sections 341, 323, 307, 384 & 504/34 of the Indian Penal Code and Section 3(i)(r)3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During the course of working as labourer in the field of Akhilesh Jha, appellants descended there, Arun Jha slated in the name of his caste. Hariom Jha wrapped Gamachha around the neck of the informant and Harkhit Jha pulled the Gamachha with intention to kill him and Vasuki Jha spat on the face of the informant.

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 at the instance of Akhilesh Jha with whom there is a land dispute pending with the appellants. The place of occurrence is a disolate place, hence no offence under SC/ST Act is made out against the appellants. They have no criminal antecedent.

Learned Spl. PP for the State opposing the prayer for bail submitted that though the allegation levelled against the appellants are not specific rather general and omnibus in nature but the appellant no.4-Vasuki Jha @ Vasuki Kumar Jha spat on the face of the informant.

In the facts and circumstances of the case,



appellant no.1-Arun Jha @ Arun Kumar Jha, appellant no.2-
Harkhit Jha @ Harkhit Kumar Jha @ Hari Om Jha and
appellant no.3-Hari Om Jha @ Hari Om Kumar Jha @ Om
Prakash Jha 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 1st Addl. Sessions Judge cum Special Judge (SC/ST
Act), Darbhanga in connection with Darbhanga (SC/ST) P.S.
Case No. 109 of 2018, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

The prayer for bail of appellant no.4-Vasuki Jha @
Vasuki Kumar Jha is hereby rejected. He is directed to
surrender before the learned Court below within six weeks
from today and seek regular bail and the learned Court below
would pass order in accordance with law without being
prejudiced by this order.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

