

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1381 of 2019

Arising Out of PS. Case No.-76 Year-2018 Thana- SC/ST District- Sitamarhi

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1. Indu Devi Wife of Ram Pragas Sah Resident of Village - Maliyavari, P.S.- Bella, Distt.- Sitamarhi.
 2. Ram Pragas Sah Son of Mauje Sah Resident of Village - Maliyavari, P.S.- Bella, Distt.- Sitamarhi.
 3. Rajeev Kumar @ Rajeev Sah Son of Late Parmeshvar Sah Resident of Village - Maliyavari, P.S.- Bella, Distt.- Sitamarhi.
 4. Rangeeta Devi @ Ranjita Devi Wife of Rajeev Sah Resident of Village - Maliyavari, P.S.- Bella, Distt.- Sitamarhi.
 5. Bhuli Devi Wife of Raj Narayan Sah Resident of Village - Maliyavari, P.S.- Bella, Distt.- Sitamarhi.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 16-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 27.02.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sitamarhi in connection with SC/ST Case No. 76 of 2018 registered under



Sections 341, 323, 324, 354 & 504/34 of the Indian Penal Code and Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of payment of commission of relief fund accorded to the informant all the accused persons descended at his house and slated him in the name of his caste. Appellant Ram Pragas Sah broke his teeth by assaulting him and when his wife came in his rescue appellants tore her blouse and they also spat on his face.

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 some money transaction. Brring appellant no.2-Ram Pragas Sah who is said to have broken the teeth of the informant by assaulting him, the allegation levelled against other appellants are not specific rather general and omnibus in nature. Appellant nos.1, 4 & 5 happen to be lady. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail submitting that all the appellants descending at the door of the informant slated him in the name of his caste and spat on his face beside other doing misdeed. Hence, anticipatory bail is barred under Section 18 of the SC/ST Act.



Considering the facts and circumstances of case, I am not inclined to enlarge the appellants on bail. The prayer for bail of the appellants is hereby rejected. However, the appellants are 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 on the very date of surrender.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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