

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.27 of 2019

Arising Out of PS. Case No.-94 Year-2015 Thana- AMAUR District- Purnia

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1. Rukmani Devi wife of Dharmanand Bishwas Resident of village- Kairiya, P.S- Aamaur, Dist- Purnea
 2. Dharmanand Bishwas Son of Late Abhilal Bishwas Resident of village- Kairiya, P.S- Aamaur, Dist- Purnea
 3. Gunja Devi @ Gunga Devi Wife of Jitendra Bishwas Resident of village- Kairiya, P.S- Aamaur, Dist- Purnea
 4. Kailash @ Kalaso Bishwas @ Kalaso Son of Rajendra Bishwas Resident of village- Kairiya, P.S- Aamaur, Dist- Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikram Singh
For the Respondent/s : Mr. Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 03-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 17.11.2018 passed by learned 1st A.D.J.-cum-Special Judge, Purnea in connection with Aamaour P.S. Case No. 94 of 2015, registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and also under Section 3 (x) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of not calling the present Sarpanch Rukmini Devi in the Panchyati by the informant appellant No. 1 and her son Jitendra Vishwas slated the son of the informant in the name of his caste and other co-accused including appellants assaulted the son of the informant by means of legs, fists etc.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to family feud. Informant does not happens to be an eye witness of the occurrence. The allegations levelled against the appellants are not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. Hence, appellants be enlarged on bail.

Learned Spl. P.P. for the State submitted that appellants are enjoying privilege of Police Bail so there is no apprehension of arrest hence anticipatory bail is not maintainable.

In that view of the matter, the present appeal is rejected with a direction to the appellants to surrender before the learned Court below within six weeks from today and seek



regular bail and the learned lower Court would consider the same without being prejudiced by this order on the very date of surrender.

It goes without saying that the appellants shall be granted the benefit of the judgment of this Court rendered in the case of **Mahendra Prasad Singh Vs. The State of Bihar reported in 2004 (3) PLJR 491** and particularly para-5 of the judgment.

(Prakash Chandra Jaiswal, J)

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