

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1350 of 2019

Arising Out of PS. Case No.-82 Year-2019 Thana- MANER District- Patna

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1. LALU KUMAR Son of Ravindra Singh, Resident of Village- Haldi Chapra, Nayaka Tola, Police Station- Maner, District- Patna.
 2. Dhiraj Kumar, Son of Ravindra Singh, Resident of Village- Haldi Chapra, Nayaka Tola, Police Station- Maner, District- Patna.
 3. Prakash Kumar, Son of Raj Bihari Singh @ Bihari Singh Resident of Village- Haldi Chapra, Nayaka Tola, Police Station- Maner, District- Patna.
 4. Prakash Kumar, Son of Sudeshwar singh, Resident of Village- Haldi Chapra, Nayaka Tola, Police Station- Maner, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gopal Govind Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 26-08-2019 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 07.03.2019 passed by learned Special Judge, SC/ST Act, Patna in Maner P.S. Case No. 82 of 2019 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3(r)(s) of the SC/ST Act.

Appellants along with four other unknown miscreants are said to have slated the informant and assaulted him by



means of lathi, leg and fist inflicting injury on his back as well as internal injury blaming him of committing theft of the mobile of the appellant Lalu Kumar.

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 of assaulting the informant levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of his caste against the appellants. Informant has not sustained any injury in the occurrence. Informant in his further statement denying the occurrence has candidly stated that he has filed the aforesaid case against the appellants at the instance of some other person. Appellants have no criminal antecedent.

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 connection with Maner P.S. Case No. 82 of 2019, 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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