

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1383 of 2019

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Sheikhpura

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1. RAJENDRA BIND @ RAJENDAR PRASAD Son of Devnandan Bind @ Devnandan Prasad Resident of Village- Bishaiya, P.S.- Ariari, District- Sheikhpura.
 2. Ganesh Kumar Son of Rajendra Bind Resident of Village- Bishaiya, P.S.- Ariari, District- Sheikhpura.
 3. Yogendra Bind @ Jogendra Bind Son of Tota Bind Resident of Village- Bishaiya, P.S.- Ariari, District- Sheikhpura.
 4. Shankar Bind Son of Hare Ram Bind Resident of Village- Bishaiya, P.S.- Ariari, District- Sheikhpura.
 5. Naval Bind son of Suresh Bind Resident of Village- Bishaiya, P.S.- Ariari, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 27-06-2019 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 28.07.2018 passed by learned 1st Additional Sessions Judge Sheikhpura in connection with SC/ST P.S. Case No. 27 of 2018, registered under Sections 147, 341, 323, 504



and 506 of the Indian Penal Code and also under Section 3 (i) (r) (s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During course of witnessing circus in the village 13 accused persons including the appellants are said to have descended there armed with Lathi, Danda and Rod and slating the informant and villagers in the name of his caste assaulted them.

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 dirty village politics and animosity. There is inordinate delay of 10 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None of the appellants has been specifically indicted about slating the informant and villagers in the name of their caste. They have no criminal antecedent.

Learned Spl. P.P. 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 1st Additional District & Sessions Judge, Sheikhpura, in connection with Sheikhpura SC/ST P.S. Case No. 27 of 2018, subject to 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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