

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1461 of 2019

Arising Out of PS. Case No.-70 Year-2018 Thana- SC/ST District- Rohtas

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1. SONU KUMAR GUPTA Son of Vinod Prasad Gupta Resident of Village-Jamohore, P.S.-Barun, District-Aurangabad.
 2. Monu Kumar Son of Vinod Prasad Gupta Resident of Village-Jamohore, P.S.-Barun, District-Aurangabad.
 3. Golu Kumar @ Suraj Kumar Son of Vinod Prasad Gupta Resident of Village-Jamohore, P.S.-Barun, District-Aurangabad.
 4. Vinod Prasad Gupta Son of Late Kameshwar Prasad Gupta @ Parmeshwar Prasad Gupta Resident of Village-Jamohore, P.S.-Barun, District-Aurangabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dharmendra Kumar Singh
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 23.01.2019 passed by learned 1st Additional Sessions Judge-cum- Special Court of SC/ST Rohtas in connection with SC/ST (Dehri) P.S. Case No. 70 of 2018, registered under Sections 323, 341, 504, 506/34 of the Indian



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

Due to rubbing of the body of the appellant due to traffic Jam the appellants are said to have slated the informant in the name of his caste and assaulted him by means of legs and fists and damaged his motorcycle. When parents of the informant approached the appellants they also slapped them and made them to leave their house.

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 only on some exchange of dual words. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. They have no criminal antecedent.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that there is allegation of slating the informant in the name of his caste in public view against the appellants hence anticipatory bail is barred under Section 18 SC/ST Act and appellants do not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail



of the appellant is hereby rejected.

However, the appellant is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order on the very date of surrender of the appellants.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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