

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1543 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- SC/ST District- Sitamarhi

1. SHASHI MADHAV JHA Son of Hari Krishna Jha Resident of Village- Motipur Akhta, P.S- Bairgania, District- Sitamarhi.
2. Hare Krishna Jha @ Hari Krishna Jha Son of Late Nikunt Jha Resident of Village- Motipur Akhta, P.S- Bairgania, District- Sitamarhi.
3. Shubhkant Jha @ Shubhkant Mishra Son of Dasharath Jha Resident of Village- Motipur Akhta, P.S- Bairgania, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dinesh Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 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 07.01.2019 passed by learned 1st A.D.J.-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 78 of 2018, registered under Sections 341, 323, 373, 506/34 of the Indian Penal Code and also under Section 3 (1) (r) (w) (i) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

The appellants are said to have descended at the house of the informant in the night at 9-10 P.M. and slated in the name of her caste and damaged her house and also looted her wooden log worth Rs. 10,000/-.

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 grudge and animosity. As a matter of fact, the informant has encroached the land of the appellant for which the appellant has made complaint with the Sarpanch in Gram Kutchery and after inquiry Gram Kutcheery has found possession of the informant over the land in question illegal and directed her to vacate the the said land. The Dy.S.P. also investigated the matter and finding the possession of the informant over the property in question illegal and no sort of assault and giving abuse at the hands of the appellants at the time of occurrence submitted his report. Informant has lodged the aforesaid case after inordinate delay of one month without giving plausible explanation for the said delay. Informant has lodged aforesaid case to put pressure upon the appellant to grab his property. No one has sustained any injury in the occurrence. As occurrence of slating in the



name of her caste is said to be of 9.00-10.00 P.M. hence, it cannot be said to have been made in the public view. So no offence under Section SC/ST Act is made out against the appellants. Appellants 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 A.D.J.-cum-Special Judge (SC/ST), Act Sitamarhi in connection with Sitamarhi P.S. Case No. 78 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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