

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1708 of 2019

Arising Out of PS. Case No.-388 Year-2018 Thana- GORAUL District- Vaishali

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1. SHANKAR PASWAN S/o Singeshwar Paswan Resident of Village- Sherpur Jalal, P.S.- Goraul, District- Vaishali.
 2. Subodh Paswan S/o- Shankar Paswan Resident of Village- Sherpur Jalal, P.S.- Goraul, District- Vaishali.
 3. Amodh Paswan S/o- Shankar Paswan Resident of Village- Sherpur Jalal, P.S.- Goraul, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Prabhat
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 10-07-2019 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 22.1.2019 passed by learned 1st Additional Sessions Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 388 of 2018, registered under Sections 147, 148, 149, 333, 337, 353, 307, 379, 506 of the Indian Penal Code and also under Section 3 (1) (x) (v) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

Sixteen named accused persons including appellants and 30-40 unknown miscreants are said to have made captive the police personnel and one boy, while informant along with police force came there all the accused persons slated him in the name of his caste and assaulted police party by hurling brick-bat. Accused Pappu Rai assaulted the informant by means of lathi on his head inflicting head injury to him.

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. Appellants are only member of mob. No one sustained any injury in the occurrence. All the appellants happens to be the member of the SC community, hence no offence under Section SC/ST Act, is made out against the appellants. Earlier to the case under hand no case under SC/ST Act has been lodged against the appellants.

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 in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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, Vaishali at Hajipur, in connection with Goural (Kathana O.P.) P.S. Case No. 388 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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