

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1566 of 2019

Arising Out of PS. Case No.-35 Year-2017 Thana- SC/ST District- Banka

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1. JAIBERDHAN SINGH @ JAILBERDHAN SINGH Son of Late Harshberdhan Singh, Resident of village- Kulhariya, Police Station- Amarpur, District- Banka.
 2. Aaryaberdhan Singh @ Gyan Bardhan Singh, Son of Jaiberdhan Singh, Resident of village- Kulhariya, Police Station- Amarpur, District- Banka.
 3. Birendra Singh, Son of Late Chamru Singh, Resident of village-Nandlalpur Patti, Police Station- Amarpur, District- Banka.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 05-08-2019 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 14.03.2019 passed by learned 1st Additional Sessions Judge, Banka in connection with SC/ST (Banka) P.S. Case No. 35 of 2017, registered under Sections 447, 341, 323, 379, 504, 506/34 of the Indian Penal Code and also under Section 3 (1) (w) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

While informant was proceeding to her field for planting the paddy seedling the appellants along with 3-4 unknown persons armed with lath, Khanti surrounded her and slated in the name of her caste. On forbidding by her, appellant Jaiberdhan Singh assaulted on the head of informant by means of Khanti. When son of the informant rushed in her rescue, all accused persons also assaulted 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 due to land dispute. Appellant Jaiberdhan Singh has filed informative petitioner against the informant and others in the Court of CJM, Banka on 24.08.2017 and due to aforesaid reason the informant has lodged this false and frivolous case against the appellant after inordinate and abnormal delay of five days without giving any plausible explanation for the same. No one sustained any injury in the occurrence. The allegation of slating the informant in the name of her caste against the appellants is not specific rather general and omnibus in nature.

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, Banka in connection with SC/ST P.S. (Banka) Case No. 35 of 2017, 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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