

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1560 of 2019**

Arising Out of PS. Case No.-118 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. JAY RAM CHAUDHARY S/o Late Umakant Chaudhary R/o village- Kishanpur Tabhaka, P.S.- Bibhutipur, District- Samastipur.
 2. Kameshwar Chaudhary S/o Late Yogendra Chaudhary R/o village- Kishanpur Tabhaka, P.S.- Bibhutipur, District- Samastipur.
 3. Amod Chaudhary @ Jatahu Chaudhary S/o Late Devkant Chaudhary R/o village- Kishanpur Tabhaka, P.S.- Bibhutipur, District- Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Rama Paswan S/o Late Ram Kishun Paswan R/o village- Bambaiya Harlal, Ward No. 4, P.S.- Dalsingsarai, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 08-07-2019 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 13.3.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Samastipur in connection with Protest cum Complaint Case No. 118 of 2018,



in which cognizance has been taken under Section 323 of the Indian Penal Code and also under Section 3 (1) (r) (s), 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the complainant in the name of his caste and assaulted him over repairing of the boring of Raj Kishore Thakur by the complainant and also snatched his tools.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, Title suit No. 80 of 2004 and Title suit No. 241 of 2014 are pending between the appellants and Raj Kishore Thakur and the said Raj Kishore Thakur has got lodged this false and frivolous case through complainant against the appellants in order to harass them. After completing investigation, I.O. has submitted final form against the appellants but later on, on protest petition filed by the complainant cognizance against the appellants has been taken by the learned lower Court.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that appellants have slated the complainant in the name of his caste in public view and learned lower Court



finding prima facie case against the appellants has taken cognizance against them hence anticipatory bail is not maintainable.

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

However, the appellants are 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 by the appellants.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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