

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1544 of 2019**

Arising Out of PS. Case No.-163 Year-2017 Thana- KARAHGAR District- Rohtas

Baijnath Chaudhary, Son of Late Ram Lakhan Singh, Resident of Village -
Searideo, P.S.- Kargahar, Distt.- Rohtas.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Sada Nand Roy
For the Respondent/s : Ms. Usha Kumari 1

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

ORAL ORDER

7 09-09-2019 Heard learned counsel for the appellant 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Registered Case No.323 of 2017, arising out of Kargahar P.S. Case No.163 of 2017, registered under Sections 323, 341, 354, 436, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Five accused persons including appellant arriving at the house of informant slated him in the name of his caste and assaulted him and his family members and also set ablaze his house.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case due to land dispute. It is further submitted that the Investigating Officer has not found the hut of the appellant burnt. Independent witnesses have also denied the occurrence of torching the house of informant and slating him by appellant. They have stated that there is land dispute between the parties. Other witnesses have stated that appellant arriving at the house of informant slated him. They have not stated about slating the informant in the specific name of his caste by the appellant. Informant has not sustained any injury in the occurrence. The family members of the informant have sustained simple injury in the occurrence barring Mamta Devi. Said Mamta Devi sustained pain and tenderness over her right wrist. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The impugned order itself indicates that for encroachment of government land by informant, proceeding was initiated and this Court vide order



dated 30.11.2017 passed in C.W.J.C. No.1394 of 2017 has directed the concerned authority to vacate the aforesaid land. The appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Rohtas at Sasaram in connection with Registered Case No.323 of 2017, arising out of Kargahar P.S. Case No.163 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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