

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1551 of 2019

Arising Out of PS. Case No.-92 Year-2016 Thana- SC/ST District- Sitamarhi

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1. Gopal Thakur Son of Late Dilip Thakur, Resident of village- Dhanushi Mala, Police Station- Runnisaidpur, District- Sitamarhi.
 2. Rupesh Thakur, Son of Chote Thakur, Resident of village- Dhanushi Mala, Police Station- Runnisaidpur, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhubala Verma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 02-07-2019 As prayed, appellants are directed to make necessary correction regarding Section of the offence in paragraph 1 of the appeal during course of the day.

Heard learned counsel for the appellants and learned Spl. P.P. for the State.

The appellants seek pre-arrest bail in connection with Sitamarhi SC/ST P.S. Case No. 92 of 2016 registered for the offence punishable under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code and Section 3(i)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On protest made by the informant against the driver of the truck for dashing her house by the truck, the appellants taking side of the driver assaulted her and her husband by means



of slipper and bamboo and also slated the informant over old animosity.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to old animosity. There is no allegation of slating the informant in the specific name of her caste against the appellants and moreover none has sustained injury in the occurrence, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st A.D.J. cum Special Judge, SC/ST Act Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 92 of 2016, subject to the 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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