

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1603 of 2019**

Arising Out of PS. Case No.-594 Year-2018 Thana- SARAIYA District- Muzaffarpur

1. Urmila Devi Wife of Lakshmi Rai Resident of Village - Rewa Pakka, P.S.- Saraiya, Distt - Muzaffarpur.
2. Lakshmi Rai Son of Paltan Rai Resident of Village - Rewa Pakka, P.S.- Saraiya, Distt - Muzaffarpur.
3. Umesh Rai Son of Paltan Rai Resident of Village - Rewa Pakka, P.S.- Saraiya, Distt - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

5 22-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 07.02.2019 passed by learned 11th Addl. Sessions Judge cum Spl Judge, SC/ST Act, Muzaffarpur in Saraiya P.S. Case No. 594 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 353, 354, 337, 338, 278, 283, 427, 504 of the Indian Penal Code and Section 3(1)(2)(S)(W) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over death of a person in the road accident, his family members and the locals, who are 21 named and 150 unknown are said to have blocked the road, pelted stones inflicting injury to the police personnel and damaged the vehicles and also slated the informant in the name of his caste.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. No one sustained injury in the occurrence. There is no allegation of slating the informant in the specific name of his caste against the appellants and other accused persons. Appellants have no criminal antecedent. Appellant no.1 happens to be lady.

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 11th Addl. Sessions Judge cum Spl Judge, SC/ST Act, Muzaffarpur in connection with Saraiya P.S. Case No. 594 of 2018, 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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