

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1685 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- BITHAN BAZAR District- Samastipur

1. Nur Hasan Son of Late Md. Jamir Resident of Village - Barahi, P.S.- Bithan, Distt.- Samastipur.
2. Nasrin Wife of Md. Ashraf, D/o Nur Hasan Resident of Village - Barahi, P.S.- Bithan, Dist.- Samastipur.
3. Md. Phool Hasan @ Phool Hasan Son of Nur Hasan Resident of Village - Barahi, P.S.- Bithan, Dist.- Samastipur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhubneshwar Prasad
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 04-07-2019 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

As prayed, learned counsel for the appellants is permitted to make correction in regard to age of appellant no.3 in the cause title of this appeal.

The appellants seek pre-arrest bail in connection with Bithan P.S. Case No.62 of 2018 registered under Sections 307, 323, 324, 341, 342, 379, 504 & 506/34 of the Indian Penal Code and Section 3 (i) (r) and 3 (1) (s) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

When the informant approached the appellants and



other named accused persons over cutting the ear of her she-goat by them, they slated her and also assaulted her by means of lathi. When Panma Devi, Punita Kumari, Manju Devi, Inarwati Devi and Arvind Sada rushed in her rescue, they also assaulted them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to animosity. The allegation of slating the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellants. The allegation of assaulting the victim is also general and omnibus in nature and informant has sustained only simple injury. Appellants have 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 appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Sessions Judge cum Special Judge SC/ST Act, Samastipur in connection with Bithan P.S. Case No.62 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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