

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1635 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- MAHUA District- Vaishali

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1. Rajeev Kumar @ Rajeev Kumar Ranjan S/o Bangali Rai R/o village- Neelkanthpur, P.S.- Mahua , District- Vaishali
 2. Santosh Kumar S/o Ashok Chaudhary R/o village- Parai, P.S.- Mahua, District- Vaishali

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 09-08-2019 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 07.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge Vaishali at Hajipur in Mahua P.S. Case No. 54 of 2019 registered under Sections 341, 324, 307, 384, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

After raising boundary wall on the land of



Mukhiya, when the informant was collecting the building materials, all the four accused persons including the appellants and 8-10 unknown miscreants armed with weapons descended there and opposed raising boundary wall without coughing up their demand of extortion. On protest made by the informant, all of them started assaulting him. When he tried to escape, co-accused Prabhat Kumar grappled him and Rajeev Kumar assaulted him by means of pistol and Prabhat Kumar spat on his face.

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. As a matter of fact, the land in question has been purchased by mother of the appellant no. 2, namely, Rekha Devi in the year 1991 and Title Suit is also pending with Mukhiya over the said land and the said Mukhiya has got this false and frivolous case lodged against the appellants and other through the informant, who happens to be his employee. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Injury sustained by the informant is simple in nature. No offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent, hence, they may be enlarged on



bail.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that there is specific allegation against the appellant no. 1 Rajeev Kumar of resorting firing upon the informant by means of pistol and doctor has also found firearm injury on the chest of the informant, hence, he does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant no. 1 Rajeev Kumar on bail. Accordingly, his prayer is rejected.

However, appellant no. 1 is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

So far as the appellant no. 2 is concerned, he is directed to be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge Vaishali at Hajipur in connection with Mahua P.S. Case



No. 54 of 2019, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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