

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1766 of 2019

Arising Out of PS. Case No.-36 Year-2018 Thana- SC/ST District- Sitamarhi

1. KRISHNA RAI Son of Chandeshwar Rai, Resident of Village- Bhaoprasad, P.S.- Dumra, District- Sitamarhi.
2. Lalan Rai Son of Ram Daresh Rai, Resident of village- Bhaoprasad, P.S.- Dumra, District- Sitamarhi.
3. Jebar Rai @ Jebar Lal Rai Son of Chandeshwar Rai, Resident of village- Bhaoprasad, P.S.- Dumra, District- Sitamarhi.
4. Dashrath Rai Son of Chandeshwar Rai, Resident of village- Bhaoprasad, P.S.- Dumra, District- Sitamarhi.
5. Ram Sakal Rai Son of Chandeshwar Rai, Resident of village- Bhaoprasad, P.S.- Dumra, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashhar Mustafa
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 19-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 12.03.2019 passed by learned Special Judge, SC/ST Act



cum A.D.J.-I, Sitamarhi in Sitamarhi SC/ST P.S. Case No. 36 of 2018 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(s) of the SC/ST Act.

At the instance of Mukhiya Anil Kumar Yadav, appellants started filling sand on the land of the informant by tractor and on protest, appellants Krishna Rai and Lalan Rai slating him in the name of his caste exhorted other accused persons to assault him, whereupon appellant Jebar Lal Rai assaulted by means of spade but he escaped the assault. Then all the accused persons intruding into the house assaulted him by means of slap and slipper.

It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in the case due to dirty village politics. Informant has not sustained any injury in the occurrence. There is land dispute between the parties. The allegation of slating the informant in the name of his caste is only against the appellants Krishna Rai and Lalan Rai, hence no offence under SC/ST act is made out against the appellants barring the aforesaid two accused persons.

On the other hand, learned counsel for the informant submitted that the learned lower court has taken cognizance of the offence against the appellants, hence anticipatory bail is not



maintainable.

Learned Spl. PP for the State submitted that as the allegation of slating the informant in the name of his caste is said to have been made only against the appellants Krishna Rai and Lalan Rai, hence offence under SC/ST Act is made out against the aforesaid two appellants only.

Having regard to the aforesaid facts and circumstances, I am not inclined to enlarge the appellant nos. 1 and 2 namely Krishna Rai and Lalan Rai on bail. Prayer for bail of the appellants Krishna Rai and Lalan Rai is rejected.

However, appellants Krishna Rai and Lalan Rai are directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellants Krishna Rai and Lalan Rai on the very date of their surrender in accordance with law without being prejudiced by this order.

So far as appellant nos. 3, 4 and 5 are concerned, they are directed 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 the learned Special Judge, SC/ST Act cum



A.D.J.-I, Sitamarhi in connection with Sitamarhi SC/ST P.S.
Case No. 36 of 2018, 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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