

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1651 of 2019

Arising Out of PS. Case No.-129 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. CHHOTE SAH @ CHHOTU SAH Son of Yugal Sah Resident of Mohalla - Balughat, Karpuri Nagar, P.S.- Town, Distt - Muzaffarpur.
 2. Bibha Devi Wife of Chhote Sah Resident of Mohalla - Balughat, Karpuri Nagar, P.S.- Town, Distt - Muzaffarpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Sarita Devi Wife of Ramu Das Resident of Mohalla - Balughat, Karpuri Nagar, P.S.- Town, Distt - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Manoj
For the Respondent/s : Mr.Sadanand Paswan

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.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.03.2019 passed by learned 11th Additional District & Sessions Judge-cum-Special Judge, SC/ST, Act, Muzaffarpur in connection with Complaint Case No. 129 of 2017 (Tr. No. 537 of 2018), registered under Sections 147, 341,



323, 379, 504/34 of the Indian Penal Code and also under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with other named co-accused are said to have descended at the house of informant and dragged her from her house blaming her as Daain and slated the informant in the name of her caste and assaulted her by means of legs and fists. When the husband of the informant came in her rescue they also assaulted him.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case over row of opening of window by the appellants towards the house of the informant. No one has sustained injury in the occurrence and allegation of slating the informant in the name of her caste levelled against the appellants is not specific rather general and omnibus in nature. They have no criminal antecedent.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that there is specific allegation of slating the informant in the name of her caste in public view against the appellants hence offence under SC/ST Act is made out against



the appellants and cognizance has also been taken under the SC/ST Act and several sections of I.P.C. so, anticipatory bail is not maintainable. Hence, appellants do not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellants on bail. The prayer for bail of the appellants is hereby rejected.

However, the appellants are directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order on the very date of surrender by the appellants.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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