

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1909 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- JAKKANPUR District- Patna

1. RAUSHAN KUMAR Son of Late Ayaj Prasad Gupta Resident of Mohalla-Kanhu Lal Road, Opp. Dayanand Boys School, Mithapur, Khagaul Road, P.S.- Jakkanpur (Phulwari), District- Patna, Bihar, Pin-800001.
2. Uday Kumar Son of Late Pyare Lal Shah Resident of Mohalla-Kanhu Lal Road, Opp. Dayanand Boys School, Mithapur, Khagaul Road, P.S.- Jakkanpur (Phulwari), District-Patna, Bihar, Pin-800001.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

The appellants seek pre-arrest bail in a case registered under Sections 341, 323, 325, 379/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellants are said to have slated the informant in the name of his caste and also assaulted him and snatched his Rs.5500/- in the public view.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellants happen to be owner of the land which they



had given to the Koshuit Builder and Developers Pvt. Ltd. for construction of the building thereon and as per the agreement appellants are entitled to oversee the construction work and check the quality and quantity of the materials used by the aforesaid Builder, but despite the said agreement, Builder did not like the presence of the appellants at the site and got this false and frivolous case lodged against the appellants by their staff. The allegation levelled against the appellants is not specific rather general and omnibus in nature. They have no criminal antecedent.

On the other hand, learned Spl. PP for the State opposing the bail petition submitted that besides assaulting the informant, appellants have also slated him in the name of his caste in public view, hence offence under SC/ST Act is made out against the appellants and anticipatory bail is barred by Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Prayer for bail of the appellants is rejected. Accordingly this appeal is dismissed.

However, appellants 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 in accordance with law without being prejudiced by this order on the very date of their surrender.

(Prakash Chandra Jaiswal, J)

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