

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1746 of 2019

Arising Out of PS. Case No.-45 Year-2017 Thana- SC/ST District- Sitamarhi

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1. Sanjit Singh @ Sanjit Kumar Son of Hajari Singh Resident of Village - Kamaldah, P.S.- Bathnaha, District- Sitamarhi
 2. Harihar Singh Son of Ram Dayal Singh Resident of Village - Kamaldah, P.S.- Bathnaha, District- Sitamarhi
 3. Sanjay Singh Son of Hajari Singh Resident of Village - Kamaldah, P.S.- Bathnaha, District- Sitamarhi
 4. Hajari Singh Son of Budhan Singh Resident of Village - Kamaldah, P.S.- Bathnaha, District- Sitamarhi
 5. Rajiv Singh Son of Hajari Singh Resident of Village - Kamaldah, P.S.- Bathnaha, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 14-08-2019 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 29.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in Sitamarhi SC/ST P.S. Case No. 45 of 2017 registered under Sections 341, 323, 448, 504, 506, 354/34 of the Indian Penal Code and



Section 3(i)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the daughter-in-law of the informant in the name of her caste intruding into his house and started taking away bicycle from his house, and on protest made by her daughter-in-law, they assaulted her by means of leg and fist. When his neighbour Baidnath Das rushed in her rescue, they assaulted him. Subsequently, the appellants arriving at the house of the informant on motorcycle slated the informant in the name of his caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the appellants have a grocery shop and the informant has purchased the articles from their shop and there was money due to the informant and in order to grab the aforesaid due money of the appellants, the informant has lodged this false and frivolous case against the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no injury report of the daughter-in-law of the informant in the case diary while Baidnath Das has sustained simple injury. There has been inordinate and abnormal delay of about 12 days in lodging the FIR without assigning any plausible



explanation for the same. Allegation of slating the daughter-in-law of the informant is said to have been made inside the house of the informant, hence, no offence under SC/ST Act is made out against the appellants. Though the appellants are said to have slated the informant in the name of his caste arriving at his house, later on, but, barring the informant and Baidnath Yadav, who happens to be interested witnesses of the case, none even the daughter of the informant has supported the occurrence of slating the informant in the name of his caste by the appellants rather stated about simply abusing him by them. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants 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 learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 45 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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