

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1755 of 2019**

Arising Out of PS. Case No.-105 Year-2016 Thana- SAKURABAD District- Jehanabad

1. Nakul Singh Son of Chandradeep Singh Resident of Village - Bhagwanpur, P.S.- Shakurabad, Distt - Jehanabad.
2. Dharmendra Singh Son of Nakul Singh Resident of Village - Bhagwanpur, P.S.- Shakurabad, Distt - Jehanabad.
3. Chintu Singh Son of Nakul Singh Resident of Village - Bhagwanpur, P.S.- Shakurabad, Distt - Jehanabad.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

8 27-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 04.02.2019 passed by learned 1st Additional Sessions Judge, Jehanabad in connection with Shakurabad P.S. Case No. 105 of 2016 registered under Sections 323, 341, 504 and 506/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

While the informant and her sister had gone to uproot the oal on her land, four named accused persons including the appellants arriving there started slating them in the name of their caste making protest on uprooting the oal by them and on protest wife of Nakul Singh and Dharmendra Singh also arrived there and all the accused persons assaulted her by means of fists. When her brother rushed in her rescue they also assaulted them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in this case due to land dispute and lodging of Complaint Case No.595 of 2016 against the informant and others preceding to the case under hand by appellant Nakul Singh. Prosecution party has lodged several other cases against the appellants and I.O. after investigation of the case submitted final form and moreover in the case under hand the I.O. has also submitted final form after investigation of the case. None has sustained injury in the occurrence. Allegation is general and omnibus in nature. Barring the cases lodged against the appellants by the prosecution party, they have no other criminal antecedent.



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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Jehanabad in connection with Shakurabad P.S. Case No. 105 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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