

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1764 of 2019**

Arising Out of PS. Case No.-17 Year-2017 Thana- PAUTHU District- Aurangabad

1. Gopal Prajapat Son of Deepak Prajapat Resident of Village - Pauthu, P.S.- Pauthu, District- Aurangabad
2. Naresh Prajapat Son of Deepak Prajapat Resident of Village - Pauthu, P.S.- Pauthu, District- Aurangabad
3. Chokan Sharma @ Chaukan Sharma Son of Late Rajaram Sharma Resident of Village - Pauthu, P.S.- Pauthu, District- Aurangabad
4. Ramji Sao Son of Late Bhagwan Sao Resident of Village - Pauthu, P.S.- Pauthu, District- Aurangabad

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

4 16-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 30.03.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST) Act, Aurangabad in connection with Pauthu SC/ST P.S. Case No.17 of 2017 registered under Sections 379 & 504/34 of the Indian Penal Code and Section 3(1) (a) (b) (c) (f) (g) (r) (s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Wife of the informant has obtained two decimals of land in settlement and the informant after filling the said land planted bamboo on it and all the accused persons named in the F.I.R. including the appellants in order to grab the said land of the informant made drainage and road on it by filling the soil and dumped garbage on it and on protest made by the informant co-accused Gauri Prajapati along with two other unknown miscreants slated the informant and his family members in the name of their caste and tortured them. Due to the aforesaid occurrence sister of his wife lost her mental equilibrium.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent. Similarly situated co-accused persons, namely, Ram Ratan Sao and others have been enlarged on bail by a co-ordinate Bench of this Court vide judgment dated 14.05.2019 passed in Cr. Appeal



(SJ) No.1888 of 2019.

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, Aurangabad in connection with Pauthu (SC/ST) P.S. Case No.17 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

