

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1791 of 2019

Arising Out of PS. Case No.-5 Year-2017 Thana- SC/ST District- Vaishali

1. SATYENDRA RAI @ SATYENDRA KUMAR RAY Son of Ram Chandra Rai Resident of Village - Basara, P.S.-Rajapakar, District- Vaishali
2. Madhusudan Rai Son of Ram Chandra Rai Resident of Village - Basara, P.S.-Rajapakar, District- Vaishali
3. Kesh Nath Rai Son of Ram Chandra Rai Resident of Village - Basara, P.S.-Rajapakar, District- Vaishali
4. Harendra Rai @ Harendra Kumar Son of Ram Chandra Rai Resident of Village - Basara, P.S.-Rajapakar, District- Vaishali
5. Dharmendra Rai Son of Nagina Rai Resident of Village - Basara, P.S.-Rajapakar, District- Vaishali
6. Baleshwari Devi Wife of Nagina Rai Resident of Village - Basara, P.S.-Rajapakar, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-07-2019 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 02.03.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in



connection with Hajipur SC/ST P.S. Case No. 5 of 2017, registered under Sections 341, 323, 467, 468, 504, 506, 379/34 of the Indian Penal Code and also under Section 3 (i) (r) 3 (1) (s), 3 (1) (F), 3 (1) (g), 3 (2) (v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over land dispute co-accused Nagina Rai is said to have pulled down the informant from bicycle and slated him in the name of his caste and all the accused persons including appellants assaulted him by means of fists and lathi.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. Informant has not sustained any injury in the occurrence. Moreover, allegation of slating the informant in the name of his caste is not levelled against the appellants rather against Nagina Rai. They have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 District & Sessions Judge-cum- Special Judge, Vaishali at Hajipur, in connection with Hajipur SC/ST P.S. Case No. 05 of 2017, subject to 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)

T.Kr./-

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

