

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1826 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- SC/ST District- Sheohar

- 
1. RAGHUBIR SAH S/o Raja Sah, Resident of Village- Mirjapur Dhowahi, P.S.- Sheohar, District- Sheohar.
  2. Motilal Sah, S/O Late Deni Sah, Resident of Village- Mirjapur Dhowahi, P.S.- Sheohar, District- Sheohar.
  3. Lalu Sah @ Manohar Kumar, S/O Ramu Sah, Resident of Village- Mirjapur Dhowahi, P.S.- Sheohar, District- Sheohar.
  4. Durgesh Raut, S/O Late Puran Raut, Resident of Village- Mirjapur Dhowahi, P.S.- Sheohar, District- Sheohar.

... .. 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

3      05-07-2019      Learned counsel for the appellants seeks permission to withdraw the appeal in respect of appellant no.3 Lalu Sah submitting that appellant no.3 Lalu sah has been arrested during the pendency of this appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.3 Lalu Sah only.

Heard learned counsel for the appellants and learned Spl. PP for the State.

The appellant nos. 1, 2 and 4 seek pre-arrest bail in



connection with Sheohar SC/ST P.S. Case No. 03 of 2019 registered under Sections 323, 341, 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r), 3(i)(s) and 3(2)(va) of the SC/ST Act.

All the accused persons including the appellants are said to have slapped the informant slating him in the name of his caste and accused Lalu sah assaulted on his back by means of spade on refusal of the informant to dance in the immersion procession of Goddess Saraswati

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. The allegation of slapping the informant and slating him in the name of his caste levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties. Appellants have no criminal antecedent. Hence they may be enlarged on bail.

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



SC/ST Act and another case under SC/ST has already been lodged against the appellants earlier, hence appellants do not deserve anticipatory bail.

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

**(Prakash Chandra Jaiswal, J)**

mantreshwar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

