

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1866 of 2019

Arising Out of PS. Case No.-57 Year-2017 Thana- LAUKAHA District- Madhubani

1. Rama Prasad Gupta @ Ram Narayan Prasad Gupta @ Ram Narayan Gupta Son of Late Tanuk Lal Sah Resident of Village - Laukaha, P.S.- Laukaha, District- Madhubani
2. Shri Prasad Gupta @ Shri Prasad Son of Late Teji Lal Sah Resident of Village - Laukaha, P.S.- Laukaha, District- Madhubani
3. Ram Prasad Gupta Son of Late Teji Lal Sah Resident of Village - Laukaha, P.S.- Laukaha, District- Madhubani
4. Shambhu Sah Son of Rama Prasad Gupta @ Ram Narayan Prasad Gupta Resident of Village - Laukaha, P.S.- Laukaha, District- Madhubani
5. Bishanu Sah @ Bishnu Pd. Gupta Son of Rama Prasad Gupta @ Ram Narayan Prasad Gupta Resident of Village - Laukaha, P.S.- Laukaha, District- Madhubani

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mrs.Usha Kumari 1

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.

The appellants seek pre-arrest bail in connection with Laukaha P.S. Case No.57 of 2017 registered under Sections 341, 323, 324, 354, 379 & 504/34 of the Indian Penal Code and Section 3 (1) (r)/3 ii) (va) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

Appellants are said to have slated the wife of the



informant in the name of her caste over filling of her mango tree by the appellants and also assaulted her. When the informant rushed in her rescue appellant no.4 Shambhu Sah assaulted him by means of spade breaking his teeth. He also assaulted his brother by means of lathi.

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. There is a case and counter case between the parties. The allegation levelled against the appellants are not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

Learned Special PP for the State opposing the prayer for bail submitted that besides assaulting the informant, his wife and brother they also slated the wife of the informant in the name of her caste, hence anticipatory bail is barred under Section 18 of the SC/ST Act and they do not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellants on bail. The prayer for bail of the appellants is hereby rejected. However, the appellants are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned



Court below would pass order in accordance with law without
being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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