

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1860 of 2019

Arising Out of PS. Case No.-5 Year-2018 Thana- SC/ST District- Munger

1. Nishant Kumar @ Sonu Mandal Son of Satish Mandal @ Chhatish Mandal @ Satish Chandra Singh Resident of Mohalla - Shadipur, P.S.- Kotwali, Distt.- Munger.
2. Shailesh Kumar Singh @ Shailesh Mandal Son of Satish Mandal @ Chhatish Mandal @ Satish Chandra Singh Resident of Mohalla - Shadipur, P.S.- Kotwali, Distt - Munger.
3. Sanjay Kumar Singh @ Sanjay Mandal Son of Satish Mandal @ Chhatish Mandal @ Satish Chandra Singh Resident of Mohalla - Shadipur, P.S.- Kotwali, Distt - Munger.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sevak Choudhary
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 22-10-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 25.07.2018 passed by learned 1st Addl. Sessions Judge, Munger in SC/ST P.S. Case No. 5 of 2018 registered under Sections 323, 341, 307, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant arrived at the tap to fetch



water, appellants forbade him from fetching water from the tap and thrown his pail and slated him in the name of his caste, and on the protest made by the informant, they assaulted him by means of brick-bat inflicting head injury to him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to animosity and dirty village politics. There is case and counter case between the parties. Injury sustained by informant is simple in nature. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Aforesaid slating is not said to have been made in the public view as there was none at the place of occurrence at the time of occurrence and there is no FIR named witness in the case, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of



Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Munger in SC/ST P.S. Case No. 5 of 2018, subject to the 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)

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