

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1751 of 2019

Arising Out of PS. Case No.-101 Year-2016 Thana- BASOPATTI District- Madhubani

1. SHIV SHANKAR PASWAN Son of Jitan Paswan Resident of Village-Khauna, Police Station- Basopatti, District- Madhubani.
2. Lal Md. Safi Son of Late Ishak Safi Resident of Village-Khauna, Police Station-Basopatti, District-Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 13-08-2019 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 03.04.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Madhubani in connection with Basopatti P.S. Case No. 101 of 2016, registered under Sections 341, 323, 324, 354(B), 379, 504, 506 of the Indian Penal Code and also under Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Five named accused persons including the appellants are said to have intruded in the house of the informant and on exhortation of co-accused Chiranjiv Pandey and Suryakant Giri, slating the informant in the name of her caste. Rest three accused including appellants assaulted her tore her attire and and dragged her on the road, resultantly she became unconscious.

It is submitted by the learned counsel for the appellants that appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics and animosity. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Injury sustained by the informant is simple in nature. There is no allegation of slating the informant in the name of her caste against the appellants. Moreover, allegation of slating the informant in the name of her caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellant No. 1 happens to be a member of Scheduled Caste community. 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 SC/ST (POA) Act, Madhubani, in connection with Basopatti P.S. Case No. 101 of 2016, 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)

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