

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1803 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- JALALPUR District- Saran

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1. Sunil Thakur Son of Late Nathu Thakur Resident of Village - Sabrji Bazar, P.S.- Jalalpur, Distt - Saran.
 2. Rohit Kumar Thakur Son of Sunil Thakur Resident of Village - Sabrji Bazar, P.S.- Jalalpur, Distt - Saran.
 3. Jitu Kumar Thakur Son of Sunil Thakur Resident of Village - Sabrji Bazar, P.S.- Jalalpur, Distt - Saran.
 4. Bittu Kumar Thakur Son of Late Harihar Thakur Resident of Village - Sabrji Bazar, P.S.- Jalalpur, Distt - Saran.
 5. Rakesh Kumar Thakur @ Rakesh Thakur Son of Raj Kishore Thakur. Resident of Village - Sabrji Bazar, P.S.- Jalalpur, Distt - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Tiwari
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 12-07-2019 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 16.01.2019 passed by learned 1st A.D.J., Saran at Chapra in Jalalpur P.S. Case No. 231 of 2018 registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

On the exhortation of appellant Sunil Thakur slating the informant in the name of his caste, Jitu Thakur assaulted his son 3-4 times by means of sword making him badly injury. Co-accused Dhaneshwar Thakur and Santosh Thakur assaulted his cousin and Shatrudhan Manjhi, respectively, while other accused persons are said to have assaulted the informant by means of leg and fist.

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 dirty village politics. Appellants Bittu Kumar Thakur, Rohit Kumar Thakur and Rakesh Kumar Thakur were not present at the place of occurrence. They are living out of State in connection with their livelihood. Appellants have no criminal antecedent, hence, they may be enlarged on bail.

Learned Spl. P.P. for the State specifically opposing the bail prayer of the appellants Sunil Kumar Thakur and Jitu Kumar Thakur submitted that the appellant Sunil Thakur has slated the informant in the name of his caste in the public view and Jitu Kumar Thakur assaulted the son of the informant 3-4 times by means of sword making him badly injured, hence, the



offence under SC/ST Act is made out against them and anticipatory bail is barred by Section 18 of the said Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant nos. 1 (Sunil Thakur) and 3 (Jitu Kumar Thakur) on bail. Accordingly, their prayer is rejected.

However, appellant nos. 1 and 3 are directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order by the aforesaid appellants in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

So far as the appellant nos. 2 (Rohit Kumar Thakur), 4 (Bittu Kumar Thakur) and 5 (Rakesh Kumar Thakur) are concerned, they are directed to 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 A.D.J., Saran at Chapra in connection with Jalalpur P.S. Case No. 231 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Accordingly, the appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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