

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1941 of 2019**

Arising Out of PS. Case No.-51 Year-2008 Thana- SC/ST District- Munger

Dayanand Tamoli S/o Khelwan Bhagat Resident of Village- Saidpur, P.S.-
Surajgarha, District- Lakhisarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jainendra Kumar

For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 11-07-2019 Heard learned counsel for the appellant 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 04.04.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, Lakhisarai in SC/ST P.S. Case No. 51
of 2008 registered under Sections 147, 148, 341, 342, 323, 504,
354, 448, 427, 380 of the Indian Penal Code and Section 3(I-X)
(XI) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.

Appellant along with three other accused persons



are said to have slated the informant in the name of her caste over land dispute and also assaulted the informant and her son and looted her household articles.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to land dispute. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is eight days delay in lodging the FIR without assigning any plausible reason for the aforesaid delay. Appellant has no criminal antecedent and similarly situated co-accused persons have been enlarged on regular bail by the court below.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that the appellant has slated the informant in the name of her caste, hence, anticipatory bail is barred by Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

However, appellant is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of



surrender by the appellant in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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