

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1900 of 2019

Arising Out of PS. Case No.-254 Year-2017 Thana- DESARI District- Vaishali

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FEKAN SINGH Son of Late Garmu Singh Resident of Village-
Mohiuddinpur Garahi, P.O.- Garahi, P.S.- Jandaha, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Awadhesh Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellant 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 19.3.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 254 of 2017, registered under Sections 341, 323, 379, 504, 506 of the Indian Penal Code and also under Section 3 (2) (va), 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant and co-accused namely Sudhir Singh are



said to have slated the informant in the name of his caste and also assaulted him by means of fists and snatched his Rs. 500/- over demand of wages by the informant from them.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. Moreover, allegation of slating the informant against the appellant is not specific rather general and omnibus in nature. Parties have entered into compromise. Appellant is aged about 70 years old. He has no criminal antecedent.

On the other hand, learned Spl. P.P. for the State opposing the prayer for bail submitted that appellant and no accused have slated the informant in the name of his caste in public view hence offence under SC/ST Act is made out against the appellant and anticipatory bail is barred under Section 18 SC/ST Act. Hence, appellant does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellants is hereby rejected.

However, the appellant is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being



prejudiced by this order on the very date of surrender by the
appellant.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

T.Kr./-

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