

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1848 of 2019

Arising Out of PS. Case No.-162 Year-2013 Thana- ADAPUR District- East Champaran

1. Mukesh Rai Son of Jai Rai Resident of Village- Katkenwa, P.S.- Adapur, District- East Champaran.
2. Amalesh Rai Son of Jai Rai Resident of Village- Katkenwa, P.S.- Adapur, District- East Champaran.
3. Jai Rai Son of Late Ramdhari Rai Resident of Village- Katkenwa, P.S.- Adapur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 06-08-2019 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 17.01.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran, Motihari in Adapur P.S. Case No. 162 of 2013 registered under Sections 447, 379, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Co-accused Ramesh Singh, Kush Kumar and Prabhu Deo Yadav are said to have been harvesting the paddy crops of the informant on 12.11.2013, and on the following day, the aforesaid accused persons along with thirteen other named accused persons and some unknown miscreants including the appellants arrived at the field of the informant and started harvesting his paddy crops, and when the informant arrived at his field, they started resorting firing.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is no allegation of slating the informant in the name of his caste against the appellants, hence, no offence under SC/ST Act is made out against them.

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 cum Special Judge, SC/ST Act, East Champaran, Motihari in connection with Adapur P.S. Case No. 162 of 2013 , 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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