

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1890 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

1. BIJENDRA SINGH Son of Ganesh Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
2. Mahendra Singh @ Mahendra Pratap Singh Son of Ganesh Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
3. Surendra Singh Son of Ganesh Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
4. Satendra Singh Son of Ganesh Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
5. Vikash Singh @ Dhannu Singh @ Vikash Kumar Singh Son of Mahendra Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
6. Ranjan Singh Son of Mahendra Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
7. Chunnu Singh Son of Kashi Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
8. Satendra Singh Son of Late Gudari Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
9. Anis Kumar Singh @ Anil Kumar Singh Son of Surendra Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
10. Toni Kumar Singh @ Santyam Singh Son of Chunnu Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.
11. Shivam Singh Son of Chunnu Singh Resident of Village-Danechha, P.S.-Durgawati, District-Kaimur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 28-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 04.01.2019 passed by learned 1st Additional Sessions Judge, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 263 of 2018 registered under Sections 341, 323, 354, 379 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants Bijendra Singh, Mahendra Singh, Surendra Singh and Satyendra Singh arriving at the Baithaka of the informant slated him in the name of caste over not working in the filed by him and assaulted him by means of lathi. In the meantime, other appellants also arrived there and they also assaulted the informant and his family members.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact appellant no.5-Vikash Singh @ Dhannu Singh @ Vikash Kumar Singh gave information on 31.05.2018 to the S.H.O., Durgawati regarding criminal activities being carried out by the persons of the scheduled caste community in his temple and appellant - Bijendra Singh



has also filed informatory petition against the father of the informant and others on 13.05.2002 over encroaching the passage of his temple by them and due to the aforesaid reasons the informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating in the name of caste is said to have been made in the baithka of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is case and counter case between the parties. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Sessions Judge, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 263 of 2018, subject to the condition as laid down under Section 438 (2)



of the Cr.P.C.

Accordingly, the impugned order is set aside and
this appeal is allowed.

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(Prakash Chandra Jaiswal, J)

