

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1902 of 2019

Arising Out of PS. Case No.-627 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

1. RAM LAGAN SAH Son of Late Rameshwar Sah Resident of Village - Patiyasa Chowk, P.s.- Ahiyapur, Dist.- Muzaffarpur.
2. Pratima Devi @ Pratima Kumari Wife of Sudish Kumar Resident of Village - Patiyasa Chowk, P.s.- Ahiyapur, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Upendra Kumar Chaubey

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 08-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.1.2019 passed by learned 11th Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 627 of 2018, registered under Sections 419, 420/34 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Informant at the insistence of Sudhish Kumar, who happens to be Director of Ultragreen Power Veildcon ka Jeevan Prakah Indian, non-banking company to make the money double and on the assurance given by the appellant and other co-accused named in the F.I.R. deposited Rs. 10,000/- in the name of his grand-mother and when his grand-mother fall ill he approached the accused persons to accord his money they slated him in the name of his caste.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case merely because appellant No.1 is father and appellant No.2 is wife of the co-accused Sudhish Kumar, who happens to be Director of aforesaid non-banking company. Appellant No. 1 by filing the order-sheet of Ahiyapur P.S. Case No. 140 of 2018, the appellant No. 1 has submitted that on the date of occurrence regarding slating the informant in the name of his caste, the appellant No. 1 was in custody in connection with the aforesaid case. Moreover, allegation of slating the informant against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused namely Suresh Sah, Dinesh Sah, Kamlesh Sah and Raj



Kumar Sah @ Ram Kumar Sah have been enlarged on bail by learned lower Court. Appellant No.1 happens to be 70 years old person.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 11th Additional District & Sessions Judge-cum- Special Judge SC/ST (POA) Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 627 of 2018, subject to 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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