

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2060 of 2019

Arising Out of PS. Case No.-99 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. DILIP KUMAR GUPTA Son of Late Ram Sagar Sah Resident of Village-Rahsi (Rasulpur), P.S.-Bochaha, District-Muzaffarpur.
 2. Ram Vinay Sah Son of Jaikishun Sah Resident of Village-Rahsi (Rasulpur), P.S.-Bochaha, District-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheela Devi W/o Keshwar Ram Resident of Village-Balthi Rasulpur, P.S.-Bochaha, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Surendar Kumar Singh, Advocate. Mr. Ravi Kumar, Advocate. Mr. Shashi Kumar, Advocate.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 17-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 09.04.2019 passed by learned A.D.J.-XI cum Spl. Judge, SC/ST Act, Muzaffarpur in Complaint Case No. 99 of 2017, Trial No. 348/2018 registered under Sections 323, 341 and 504 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

When the complainant approached the appellants for incorporating her name in the list of beneficiary for the fund



relief, they did not incorporate the same rather slated her in the name of her caste as she did not caste vote in their favour. On protest made by the complainant, they again slated her in the name of her caste and spat on her.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant no.1 has lodged Bochachan P.S. Case No. 176 of 2017 against the nephew of the informant and others on the same date of the occurrence i.e. 27.08.2017. Being peeved with the same, informant has lodged this false and frivolous case two days after the alleged occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that on request of the complainant to incorporate her name in the list of beneficiary of the fund relief, appellants slated her in the name of her caste and spat on her as she did not caste vote in their favour, hence offence under SC/ST Act is made out against the appellants and anticipatory bail is barred by Section 18 of the SC/ST Act. Moreover in the aforesaid case lodged by the appellant no.1 against the nephew of the informant, I.O. has



submitted final form finding the case untrue.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Prayer for bail of the appellants is rejected.

However, appellants are directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellants in accordance with law without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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