

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1920 of 2019

Arising Out of PS. Case No.-13419 Year-2014 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Raushan Kumar Sinha Son of Late Ajay Kumar Sinha Resident of Mungeriganj, P.S.- Town, Distt - Begusarai.
 2. Mamta Sinha Wife of Raunak Kumar Sinha Resident of Mungeriganj, P.S.- Town, Distt - Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ram Chandra Paswan S/o Late Ram Pratap Paswan Resident of Chandipur Mohnatol, P.S-Muffasil Dist.-Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Chandra Jha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 11-09-2019 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 28.09.2018 passed by learned Special Judge, SC/ST Act, Begusarai in Complaint Case No. 13419 of 2014 registered under Sections 323, 504 of the Indian Penal Code and Section 3(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Nityanand Paswan had agreed to sale out 10 dhur land to the complainant taking Rs. 11,000/- in advance claiming the said land to be of his own. But, subsequently, the said land was found to be disputed one, and when the complainant claimed his money from him, he took him to the appellants, who were sitting on the Bolero vehicle by that time, and on demand of money by the complainant from them, they slated him in the name of his caste pointing pistol upon him and appellant Mamta Sinha spat on his face.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have neither agreed to sale out the land nor taken any money from the complainant nor received any money from Nityanand Paswan. Only allegation levelled against the appellants is of slating the complainant in the name of his caste and spating on him. But as per the S.A. of the complainant, the complainant was taken at the house of the appellants where the aforesaid occurrence has taken place. Thus, slating the complainant in the name of his caste has not been made in the public view, hence, no offence under SC/ST Act is made out against the appellants. Allegation of spitting at the face of complainant by the appellant no. 2 is mere super addition. There



is inordinate and abnormal delay of around one month in filing the complaint petition without assigning any plausible explanation for the said delay, hence, the appellants may be enlarged on bail.

Learned Spl. PP for the State opposing the bail prayer of the appellants submitted that the appellants are having criminal antecedent as altogether eight criminal cases are pending against them, hence, they do not deserve bail.

In the facts and circumstances of the case and in view of criminal antecedent of appellants, I am not inclined to enlarge the appellants on bail. Accordingly, their prayer is rejected.

However, appellants are directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of their surrender in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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