

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1901 of 2019**

Arising Out of PS. Case No.-98 Year-2019 Thana- BARAUNI District- Begusarai

Girdhari Lall Sarraf, S/O Late Mohan Lall Sarraf Residing at 3A, Sura East Road, P.s.- Beliaghata, Dist- Kolkata-700010 State- West Bengal

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Prakash Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

9 16-11-2019 Heard learned counsels for the appellant and the State.

The present appeal has been preferred by the appellant for setting aside the order dated 06.04.2019, passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Begusarai, in A.B.A. No. 574 of 2019, whereby the prayer of anticipatory bail of the appellant has been rejected in connection with Barauni (Zero Mile) P.S. Case No. 98 of 2019, registered for the offences punishable under Sections 341, 323, 504 and 506/34 of the IPC and Section 3(i) (r) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is that on 03.03.2019 at 5 P.M., the informant came to the carbon factory to meet one Ram Shankar Singh and when he asked the petitioner to open the gate of the factory, the petitioner and two other co-accused persons



refused to open the same, thereafter, all the accused persons, including the petitioner, not only abused the informant, who belongs to a schedule caste category, by calling his caste name, but also assaulted him.

Learned counsel for the appellant submits that the accusation against the petitioner is omnibus and general. It is further submitted that since the appellant lodged a case against one Vinod Kumar Hisariya, hence he set up the present informant to lodge the false and fabricated case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State, after going through the case diary, submits that the accusation against the petitioner is specific and he is named in the FIR.

Considering the fact that the accusation against the appellant is general and omnibus and the appellant is having no criminal antecedent, the order dated 06.04.2019, passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Begusarai, in A.B.A. No. 574 of 2019 is hereby set aside and the petitioner is directed to be released on anticipatory bail, in the event of arrest/surrender before the learned Court below within a period of 12 weeks from today, on furnishing the bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, SC/ST (Prevention of Atrocities) Act, Begusarai, in connection with Barauni (Zero Mile) P.S. Case No. 98 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Accordingly, the present appeal stands allowed.

(Dinesh Kumar Singh, J)

Amrendra/-

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