

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1915 of 2019**

Arising Out of PS. Case No.-258 Year-2018 Thana- SIRDALA District- Nawada

1. SANTOSH PRASAD Son of Jagdish Prasad Resident of Village- Chulahri, P.S.- Sirdalla, District- Nawada.
2. Sonu Prasad Son of Brichh Prasad Resident of Village-Chulahri, P.S.- Sirdalla, District-Nawada.
3. Ragho Prasad Son of Ganga Mahto Resident of Village-Chulahri, P.S.- Sirdalla, District-Nawada.
4. Indu Prasad @ Indo Prasad Son of Bhuka Prasad Resident of Village-Chulahri, P.S.-Sirdalla, District-Nawada.
5. Jagdish Prasad Son of Bhuna Prasad Resident of Village-Chulahri, P.S.- Sirdalla, District-Nawada.
6. Bheem Prasad Son of Kishun Prasad Resident of Village-Chulahri, P.S.- Sirdalla, District-Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 19-07-2019 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 25.02.2019 passed by learned 1st Addl. District and Sessions Judge, Nawada in Sirdalla P.S. Case No. 258 of 2018 registered under Sections 147, 148, 149, 341, 323, 504, 506, 325 and 307 of the Indian Penal Code, Section 27 of the Arms Act



and Sections 3(i)(r)(s) of the SC/ST Act.

While the informant was proceeding to tie his she buffalo, 21 accused persons including the appellants assaulted him by means of lathi and when the witnesses Matar Manjhi, Sakindar Manjhi and Madan Prasad rushed in his rescue, they also assaulted them and made them injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to animosity. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Victims have not sustained any injury in the occurrence. Hence no offence under SC/ST Act is made out against the appellants.

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

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I cum Spl. Judge, Nawada in connection with Sirdalla P.S. Case No. 258 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
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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