

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1963 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- SC/ST District- Sitamarhi

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1. Naresh Rai @ Ram Naresh Rai S/o Late Bilat Rai Resident of Village- Naraha Kala @ Narahan Kala, P.S.- Bajpatti, District- Sitamarhi.
 2. Shankar Rai S/o Late Bilat Rai Resident of Village- Naraha Kala @ Narahan Kala, P.S.- Bajpatti, District- Sitamarhi.
 3. Ghanshyam Rai S/o Late Daresh Rai @ Late Ram Daresh Rai Resident of Village- Naraha Kala @ Narahan Kala, P.S.- Bajpatti, District- Sitamarhi.
 4. Sheela Devi W/o Late Daresh Rai @ Late Ram Daresh Rai Resident of Village- Naraha Kala @ Narahan Kala, P.S.- Bajpatti, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 05.04.2019 passed by learned 1st A.D.J. cum Special Judge, SC/ST Act, Sitamarhi in SC/ST P.S. Case No. 101 of 2018 registered under Sections 147, 341, 323, 354, 379, 504, 506 of the Indian Penal Code and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

On protest made by the informant over lifting of the brick from his land by the appellants and one co-accused, appellant Naresh Rai and Shankar Rai slated him in the name of his caste. Shankar Rai pulled the saree of the wife of the informant. They also assaulted the informant by means of leg and shoe.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellant no. 4 has purchased the land from Ram Kailash Sharma, who happens to be brother of the informant which is the bone of contention and the informant has also lodged Title Suit against the appellants regarding the said land.

Per contra, learned counsel for the informant and learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that there is specific allegation against the appellants Shankar Rai and Naresh Rai of slating the informant in the name of his caste and against Naresh Rai of pulling the saree of the wife of the informant, hence, they do not deserve



bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant nos. 1 & 2 on bail. Accordingly, their prayer is rejected.

So far as the appellant nos. 3 and 4 are concerned, they are directed to 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 learned 1st A.D.J. cum Special Judge, SC/ST Act, Sitamarhi in SC/ST P.S. Case No. 101 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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