

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1959 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Lakhisarai

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1. SANTOSHI DEVI Wife of Kapildeo Mahto Resident of Village- Tal Banshipur, P.S.- Surajgarha (Manikpur O.P.), District- Lakhisarai.
 2. Kapildeo Mahto Son of - Chhattu Mahto Resident of Village- Tal Banshipur, P.S.- Surajgarha (Manikpur O.P.), District- Lakhisarai.
 3. Kumod Kumar Son of- Ashik Mahto Resident of Village- Tal Banshipur, P.S.- Surajgarha (Manikpur O.P.), District- Lakhisarai.
 4. Akhilesh Kumar Son of- Bipin Mahto Resident of Village- Tal Banshipur, P.S.- Surajgarha (Manikpur O.P.), District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 10-07-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.04.2019 passed by learned 1st Additional Sessions Judge-cum- Special Judge, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 10 of 2019, registered under Sections 147, 148, 341, 323, 504, 506, 511 of the Indian Penal



Code and also under Section 3 (1) (r) (d) (v) (2) (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with 10 other named accused persons are said to have blocked the passage of the informant by raising wall and on protest made by the informant they slated in the name of her caste and extended threatening of dire consequences. They also assaulted informant and her witnesses.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. they have been falsely implicated in this case due to ulterior motive. Earlier to the case under hand one Alo Devi had lodged case on 16.11.2018 regarding the same occurrence and the appellants were enlarged on anticipatory bail in the said case then the informant has lodged the present case regarding the same occurrence of slating and assaulting him over row of blocking the public passage and raising wall on 7.1.2019 after more than four months maliciously. Moreover, allegation of slating the informant against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent barring the aforesaid case lodged against them in which they are on bail.



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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Lakhisarai in connection with SC/ST P.S. Case No. 10 of 2019, subject to 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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