

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4758 of 2018

Arising Out of PS. Case No.-16 Year-2015 Thana- NARDIGANJ District- Nawada

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1. Azad Prasad @ Chandeshwer Prasad @ Chandeshwar Azad S/o Ram Chandra Prasad R/o Vill-Gotrain, PS-Nardiganj Distt.-Nawada
 2. Pappu Prasad @ Pappu Kumar S/o Ram Chandra Prasad resident of Village-Gotrain, P.S.- Nardiganj, District- Nawada.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

7 21-08-2019 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 29.10.2018 passed by learned 1st Addl. Sessions Judge, Nawada in Nardiganj P.S. Case No. 16 of 2015 registered under Sections 341, 323, 504, 307, 447, 384/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with two other named accused persons are said to have felled several trees and damaged crops



of the informant causing damage worth Rs. 1 lac, and on protest made by the informant, they slated him in the name of his caste and also resorted firing by means of pistol, but he left unhurt. They also demanded extortion money of Rs. 1 lac arriving at his house in the night.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case. As a matter of fact, the appellant no. 1 happens to be Munsif of the Government Contract, and as per the contract, they were making road on the public land, which has been encroached by the informant, and during the aforesaid process, some altercation took place between the informant and the appellants, and the informant has lodged this false and frivolous case against the appellants due to aforesaid reason. Independent witnesses have also stated about taking place of the occurrence during the construction of the road by the appellants on the disputed land. None has sustained firearm injury in the occurrence. None of the witnesses has stated about slating the informant in the specific name of his caste by the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.



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

In 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 learned 1st Addl. Sessions Judge, Nawada in connection with Nardiganj P.S. Case No. 16 of 2015, 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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