

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2003 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- PARASBIGHA District- Jehanabad

1. BHOLI KUMAR Son of Madheshwar Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
2. Radhe Shyam Kumar Son of Manoj Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
3. Jimmi Kumar Son of Ramakant Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
4. Rakesh Yadav @ Rakesh Kumar Son of Ramanand Yadav Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
5. Banti Kumar Son of Akhilesh Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
6. Bikashi Kumar @ Bikeshi Kumar @ Vikashi Kumar Son of Ramanand Yadav Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
7. Bharat Yadav Son of Late Banshi Yadav Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
8. Ajeet Sharma Son of Late Sukan Sharma @ Jagdish Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
9. Nanda Sharma @ Narendra Sharma Son of Kamta Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
10. Abhishek Kumar Son of Jitendra Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
11. Chandan Kumar son of Lakhan Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.
12. Ramanuj Sharma Son of Late Jang Bahadur Sharma Resident of Village- Godiha, Police Station- Parasbigha in the District of Jehanabad.

... .. Appellant/s

Versus

The State of Bihar..... Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 09-07-2019 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 11.4.2019 passed by learned 1st Additional Sessions Judge, Jehanabad in connection with Parasbigha P.S. Case No. 62 of 2019, registered under Sections 147, 149, 341, 323, 504, 379 of the Indian Penal Code and also under Section 3 (1) (r) (s) (w)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with six other named accused persons are said to have arrived at the house of the informant and slated him in the name of his caste and assaulted his brother and other family members by means of brickbat, lathi and Khanti over dispute of drainage.

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 dirty village politics. As a matter of fact, informant is Ward Member and used low quality material in the construction of drain for which appellants made complaint to the District Magistrate, Jehanabad and due to the same informant has lodged this false and frivolous caste against them. No one sustained injury in the



occurrence. Moreover, allegation of slating the informant against the appellant is not specific rather general and omnibus in nature. The aforesaid occurrence is said to have taken place at the house of the informant and not in a public view so no offence under SC/ST Act is made out against the appellants. They have no criminal antecedent.

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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge, Jehanabad in connection with Parasbigha P.S. Case No. 62 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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