

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2056 of 2019

Arising Out of PS. Case No.-56 Year-2015 Thana- KHIRI MORE District- Patna

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1. SURENDRA SINGH Son of Late Chanarik Singh Resident of Village - Dadhapar, P.s.- Khiri More, Dist.- Patna.
 2. Binod Singh @ Ram Binod Singh Son of Late Chanarik Singh Resident of Village - Dadhapar, P.s.- Khiri More, Dist.- Patna.
 3. Amresh Singh Son of Binod Singh Resident of Village - Dadhapar, P.s.- Khiri More, Dist.- Patna.
 4. Rishu Singh @ Ripu Singh @ Lallu @ Rishu Kumar @ Lalu Singh Son of Surendra Singh Resident of Village - Dadhapar, P.s.- Khiri More, Dist.- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 16-09-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 11.04.2019 passed by learned Additional Sessions Judge-VIII-cum Special Judge (SC/ST Act), Patna in connection with Khiri More P.S. Case No. 56 of 2015 registered under Sections 341, 323 & 504/34 of the Indian Penal Code and



Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of flowing water from the house of the informant by laying pipe by the informant all the appellants are said to have slated the informant and his family members and assaulted his brother and when his mother rushed in his rescue appellant Rishu Singh @ Ripu Singh @ Lallu @ Rishu Kumar @ Lalu Singh assaulted on the hand of his mother by means of lathi inflicting injury to her.

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 over row of flowing dirty water of his house by the informant on the road. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant and his family members in the specific name of his caste. The victim has not sustained injury in the occurrence as as per F.I.R. itself they got treated in the village. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the



above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Additional Sessions Judge-VIII-cum Special Judge (SC/ST Act), Patna in connection with Khiri More P.S. Case No. 56 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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