

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2054 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- MANPUR District- Nalanda

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1. Ajeet Kumar Son of Sant Kumar Resident of Village - Sarbahadi, P.S.- Manpur, District - Nalanda
 2. Sujit Raut @ Sujeet Raut Son of Dwarika Raut Resident of Village - Sarbahadi, P.S.- Manpur, District - Nalanda
 3. Kamesh Kumar @ Kamesh @ Kusu @ Kasu Son of Bhondu Raut Resident of Village - Sarbahadi, P.S.- Manpur, District - Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 19-07-2019 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 06.04.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 20 of 2019, registered under Sections 147, 148, 149, 341, 323, 504, 506 of the Indian Penal Code, 27 of the Arms Act and also under Section 3 (1)(r)(s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with two other named accused persons are said to have slated the informant near the bridge during the course of proceeding for defecation and co-accused Chetan Yadav assaulted on the temple of the informant by means of butt of the pistol inflicting injury to him. Other accused persons also assaulted him by means of lathi.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. As a matter of fact, the father of the appellant Ajeet Kumar has lodged case against the family members of the informant preceding to the case under hand and due to aforesaid grudge, the informant has lodged this false and frivolous case against the appellants and others. Allegation of slating the informant in the name of his caste levelled against the appellants is not specific rather general and omnibus in nature. Moreover, the aforesaid occurrence is said to have taken place near the bridge, i.e. desolate place and none was present there at the relevant time as as per the averment made in the F.I.R itself villagers came there responding hulla made by the informant so aforesaid slating did



not take place in public view. Injury sustained by the informant is simple in nature. Appellants have no criminal antecedent. Said Chetan Yadav has been enlarged on anticipatory bail by this Court vide order dated 10.07.2019 passed in Cr. Appeal (SJ) No. 1795 of 2019.

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 Sessions Judge, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 20 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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