

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2086 of 2019

Arising Out of PS. Case No.-387 Year-2018 Thana- GORAUL District- Vaishali

1. Shankar Paswan Son of Sigeshwar Paswan Resident of Village - Sherpur Jalal, P.S.- Goraul, District- Vaishali
2. Subod Paswan Son of Shankar Paswan Resident of Village - Sherpur Jalal, P.S.- Goraul, District- Vaishali
3. Amodh Paswan Son of Shankar Paswan Resident of Village - Sherpur Jalal, P.S.- Goraul, District- Vaishali
4. Lal Pari Devi Wife of Shankar Paswan Resident of Village - Sherpur Jalal, P.S.- Goraul, District- Vaishali

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Prabhat
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 04-09-2019 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 19.02.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 387 of 2018 registered under Sections 341, 323, 342, 307, 504, 506 & 143 of the Indian Penal Code and Section 3(1) (r) (s) and 3



(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

After catching the bird when the informant's son was regressing to his house appellants caught hold him and started making alarm about taking the calf by him for slaughtering by him. Responding the same, 11 other named and 30-40 unknown miscreants arrived there and started dragging his son wrapping gamacha on his neck and assaulted him by means of legs and fists slating in the name of caste. On arrival of police they also pelted stone on them.

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 as they opposed running of slaughter house in the locality of the informant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Victim has not sustained any injury in the occurrence. There were around 50 persons at the place of occurrence but informant has not stated that as to who slated the son of the informant. Appellants happen to be members of scheduled caste community, hence no offence under SC/ST Act is made out against the appellants. Regarding the same occurrence, police



has lodged Goraul P.S. Case No.388 of 2018 and appellants Shankar Paswan and others have been enlarged on bail by this Court vide order dated 10.07.2019 passed in Cr. Appeal (SJ) No.1708 of 2019.

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 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 387 of 2018, 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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