

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2011 of 2019**

Arising Out of PS. Case No.-79 Year-2017 Thana- CHAKAND District- Gaya

Ram Narayan Prasad @ Ram Narayan, Son of Late Ganauri Mahto R/o
village- Madan Bigha, P.S.- Chakand, District- Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha

For the Respondent/s : Ms. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 11-09-2019 Heard learned counsel for the appellant 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 01.11.2018 passed by learned Special Judge, SC/ST, Gaya in connection with Chakand P.S. Case No.79 of 2017 registered under Sections 341, 323, 504, 379/34 of the Indian Penal Code, Section 27 of Arms Act and Section 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Four named accused persons including the appellant and 7/8 unknown miscreants in the night at about 9.45 P.M. descending at the house of the informant started slating



appellant exhorted to assault. Whereupon Subodh Prasad assaulted on his head by means of butt of the pistol and Sandip Kumar snatched the mobile and other accused persons assaulted his father and family members and slated them in the name of caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics and animosity. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Barring informant, none has sustained injury in the occurrence. Injury sustained by the informant is simple in nature. Allegation of slating the informant is said to have been made at his door in the night at 9.45 P.M. hence it cannot be said to have been made in the public view, so no offence under SC/ST Act is made out against the appellant. The appellant has 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 appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Gaya in connection with Chakand P.S. Case No.79 of 2017, 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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