

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2048 of 2019

Arising Out of PS. Case No.-55 Year-2014 Thana- TEKARI District- Gaya

1. AJAY SINGH @ AJAY KUMAR SINGH Son of late Shiya Sharan Singh Resident of Village - Lav , P.S.- Tikari, Dist.- Gaya.
2. Sheo Pujan Kumar Son of Dev Charan Sao Resident of Village - Lav , P.S.- Tikari, Dist.- Gaya.
3. Pappu Kumar Son of Krishna Yadav Resident of Village - Lav , P.S.- Tikari, Dist.- Gaya.
4. Rajesh Yadav Son of Parmeshwar Yadav Resident of Village - Lav , P.S.- Tikari, Dist.- Gaya.
5. Vinay Saw Son of Dukhan Saw Resident of Village - Lav , P.S.- Tikari, Dist.- Gaya.
6. Chandan Saw @ Chandan Kumar Son of Vinay Sao Resident of Village - Lav, P.S.- Tikari, Dist.- Gaya.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar No1
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

8 06-09-2019 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 15.04.2019 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Tekari P.S.



Case No. 55 of 2014 registered under Sections 147, 149, 341, 323, 504 & 379 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

During the course of witnessing the dance in the village at around 8-9 PM in the night appellants dragged the informant towards south and slated him in the name of his caste and assaulted him by means of fists and belt and snatched his Rs.2000/- and mobile phone.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to animosity and dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. Appellants are said to have slated the informant in the name of caste in the village in the night at 9 PM taking the informant at a isolated place and not in public view, hence no offence under SC/ST Act is made out against the appellants. The allegation of theft is super addition. After investigation of the case, I.O. has submitted final form against the appellants. 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 Exclusive Special Judge SC/ST Act, Gaya in connection with Tekari P.S. Case No. 55 of 2014, 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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