

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2140 of 2019

Arising Out of PS. Case No.-335 Year-2018 Thana- MAHNAR District- Vaishali

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BUDHAN RAY Son of Nathuni Ray Resident of Village - Simra, P.S.-
Mahnar, Distt - Vaishali.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mukesh Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 05-08-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 18.03.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 335 of 2018, registered under Sections 341, 323, 379, 427, 436, 504/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant is said to have uprooted the hand-pump installed on the land of Khyali Rai. On 16.11.2018 appellant asked the informant to vacate the aforesaid land. On protest made by her son he assaulted his son by means of Hasuli and when her husband rushed in his rescue he also pushed him and damaged her hut and also set it ablaze and fled away slating her.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, the land of Khyali Rai was taken by the informant earlier but appellant has taken the aforesaid land on contract later on. Due to aforesaid grudge the informant has lodged this false and frivolous case against the appellant. No one sustained injury in the occurrence. I.O. has not found hut of the informant dismantled and any household article burnt. There is no allegation of slating the informant in the name of her caste against the appellant, hence no offence under SC/ST Act is made out against the appellant. He has no criminal antecedent.

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

In the facts and circumstances of the case, the above



named appellant is directed to be enlarged on bail in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 335 of 2018, 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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