

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2100 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- BAHADURGANJ District- Kishanganj

1. Rajendra Kumar Sah @ Raju Sah @ Raju Kumar Sah Son of Late Jaglal Sah Resident of Janta Hat, Sameshar, P.S. - Bahadurganj, District - Kishanganj.
2. Geeta Devi Wife of Umesh Prasad Sah Resident of Janta Hat, Sameshar, P.S. - Bahadurganj, District - Kishanganj.
3. Santosh Prasad Sah @ Santosh @ Santosh Kumar Saha Son of Nitu Gopal Sah Resident of Rupni, P.S. - Bahadurganj, District - Kishanganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 22-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 08.02.2019 passed by learned 1st Addl. District & Sessions Judge, Kishanganj in Bahadurganj P.S. Case No. 53 of 2018 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Co-accused Uttam Kumar Sah was the employee of petrol pump of the informant, who defalcated Rs. 7,00,000/- and on demand, he called him at his house to accord the money and when the informant arrived at his house, all the ten accused persons including the appellants surrounded him and slated him in the name of his caste and assaulted him inflicting injury on his lip and other part of his body.

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. There is case and counter case between the parties. As a matter of fact, the informant was in habit of visiting the house of Uttam Kumar Sah and misbehaved with the women folk in his absence. So said Uttam Kumar Sah left his service and due to aforesaid grudge, the informant has lodged this false and frivolous case against said Uttam Kumar Sah and the appellants, who happen to be his family member. Allegation of assaulting and slating the informant against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Slating the informant is said to have been made inside the house of Uttam Kumar Sah and not in the public view, hence, no offence under SC/ST Act is made out 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, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge, Kishanganj in connection with Bahadurganj P.S. Case No. 53 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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