

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2205 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- KOPA District- Saran

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1. AMLESH SINGH Son of Late Harvansh Singh Resident of Village- Kumna, Police Station- Kopa, District- Saran at Chapra.
 2. Anil Singh Son of Late Harvansh Singh Resident of Village- Kumna, Police Station- Kopa, District- Saran at Chapra.
 3. Deepak Singh Son of Late Harvansh Singh Resident of Village- Kumna, Police Station- Kopa, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.3.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Kopa P.S. Case No. 30 of 2019, registered under Sections 341, 323, 504, 379/34 of the Indian Penal Code and also under Section 3 (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

When the informant has gone to the Kumna fair to purchase bed, appellants intercepted him, appellant Anil Singh slated him in the name of his caste. Subsequently, appellants and one Ankur Singh started assaulting him taking him to his house and shoved him on the ground and assaulted him.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute. Informant has lodged the aforesaid case to put pressure upon the appellants to grab his property. The occurrence of slating the informant in the name of his caste is not specific rather general and omnibus in nature and informant has not sustained any injury in the occurrence. They have no criminal antecedent.

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

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant Anil Singh on bail. The prayer for bail of the appellant No. 2 Anil Singh is hereby rejected.

However, the appellant No.2 Anil Singh is directed to surrender before the learned Court below within six weeks from



today and seek regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order on the very date of surrender by the appellant No.2.

In the facts and circumstances of the case, the above named appellants No. 1 Amlesh Singh and Appellant No. 3 Deepak Singh are directed to be enlarged on bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge, Saran at Chapra, in connection with Kopa P.S. Case No. 30 of 2019, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the present appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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