

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2119 of 2019

Arising Out of PS. Case No.-92 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Surendra Pandit Son of Ram Kirat Pandit Resident of Village - Khajanhapur, P.S.- Cheriabariyarpur, Distt - Begusarai.
 2. Vishal Pandit @ Vishal Kumar Pandit Son of Ram Kirat Pandit Resident of Village - Khajanhapur, P.S.- Cheriabariyarpur, Distt - Begusarai.
 3. Shambhu Pandit Son of Ram Kirat Pandit Resident of Village - Khajanhapur, P.S.- Cheriabariyarpur, Distt - Begusarai.
 4. Ram Kirat Pandit Son of Late Nunulal Pandit Resident of Village - Khajanhapur, P.S.- Cheriabariyarpur, Distt - Begusarai.
 5. Govind Pandit Son of Chaitu Pandit Resident of Village - Khajanhapur, P.S.- Cheriabariyarpur, Distt - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vino Sada Son of Visho Sada, Resident of Village and P.S. Cheriya Bariyarpur, Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uma Shankar
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Complainant	:	Mr. Shubesh Pandey
		Mr. Murlidhar Mishra
		Mr. Suraj Kr. Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 09-07-2019 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 25.03.2019 passed by learned Special Judge,



SC/ST (POA) Begusarai in Complaint Case No. 92 of 2015 registered under Sections 323, 341, 379 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over demand of wages by the informant, appellants are said to have slated him in the name of his caste and slapped and fisted him at chowk.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Allegation levelled against the appellants is not specific rather general and omnibus in nature. They have been falsely implicated in this case due to ulterior motive. Appellants have no criminal antecedent, hence, they may be enlarged on bail.

Per contra, learned counsel for the complainant and learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that besides assaulting the informant, there is allegation of slating him in the name of his caste in public view against the appellants and finding *prima facie* case, learned lower court has taken cognizance against the appellants in the year 2015, hence, anticipatory bail is not maintainable.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail.



Accordingly, their prayer is rejected.

However, appellants are directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of surrender by the appellants in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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