

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2150 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- SC/ST District- Sheohar

VIKRAM KUMAR @ VIKRAM SINGH S/o Lalan Singh R/o village-
Laluaa, P.S.- Piprahi, District- Sheohar.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hans Lal Kumar

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 23-07-2019 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 12.04.2019 passed by learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Sheohar, in connection with Sheohar SC/ST P.S. Case No. 11 of 2018, registered under Sections 323, 341, 379, 504, 506/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of road-rage appellant along with two other named accused persons descended at the house of the informant and slated his son in the name of his caste by making search of his son, on protest made by wife and mother of the informant Lalan Singh assaulted him while Majay Raut assaulted his wife by means of legs and fists and also extended threatening of kidnapping and murder of his son and daughter.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. Moreover, allegation of slating the son of the informant against the appellant is not specific rather general and omnibus in nature. Slating is said to have been made at the house of the informant, and not in a public view, hence, no offence under SC/ST Act, is made out against him. There is inordinate delay of four days in lodging the F.I.R by the informant without giving any plausible explanation. Co-accused Lalan Singh and Manjay Raut who happen to be assailants have been enlarged on bail by co-ordinate Bench of this Court passed in Criminal Appeal (SJ) No. 2033 of 2019 vide order dated 22.05.2019. 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, Sheohar in connection with Sheohar P.S. Case No. 11 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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