

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2130 of 2019**

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Vaishali

Abhishek Kumar @ Abhishek Kumar Singh @ Bittu @ Bitau S/o Pravid
Singh @ Pravindra Singh @ Pravind Singh R/o Village- Chamrahara (Balla
Par), P.S.- Mahnar, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Chandra Gandhi

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 26-07-2019 Heard learned counsel for the appellant 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 17.11.2018 passed by learned 1st Addl. Sessions
Judge, Vaishali at Hajipur in Hajipur SC/ST P.S. Case No. 27 of
2018 registered under Sections 323, 341, 379, 447, 387 of the
Indian Penal Code, Sections 3(1)(x)(xi) and 2(1) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act and Sections 4, 5 and 6 of the Bihar Animal
Cruelty Act.

In the course of grazing she-goat by the grandson



of the informant when he did not pay respect to the appellant and Ramanand Singh, they slapped him and appellant Abhishek Kumar Singh gave spade blow on the neck of she-goat, resultantly, she died. When the informant along with his son approached the accused persons to inquire about the matter, Abhishek Kumar Singh, Ramanand Singh and Kiran Devi slated them and snatched their she-goat. Later on, learning about filing of the written report against them by the informant at the P.S., they slated him in the name of his caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, the grandson of the informant was grazing she-goat on the field of appellant and on making protest, the informant has lodged this false and frivolous case against the appellant and other accused persons. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant is not said to have slated the informant and his son in their specific name of caste. The complaint petition has been filed after inordinate and abnormal delay of around 11 days without assigning plausible explanation for the same. Though, the informant has stated that on not lodging the FIR by the SHO of the P.S. concerned, he had sent the written report to the SP and



SHO through post but he has neither annexed copy of the aforesaid written report nor any postal receipt nor filed any affidavit in support of the complaint petition. Appellant has 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 appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 27 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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