

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2471 of 2019

Arising Out of PS. Case No.-431 Year-2018 Thana- SAKRA District- Muzaffarpur

NIRANJAN PASWAN @ NIRANJAN KR. PASWAN Son of Phakira Paswan
R/o Shambhunathpur Dholi (Muraul), P.S.- Sakra, District – Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

3 02-08-2019 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 11.04.2019 passed by learned 11th Additional Sessions Judge-cum- Special Judge, SC/ST, Act Muzaffarpur in connection with Sakra P.S. Case No. 431 of 2018, registered under Sections 147, 148, 149, 341,323, 307, 332, 333, 353, 379, 145, 504, 506 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Fifteen named accused persons including the appellant and 150 unknown miscreants are said to have blocked the road keeping the dead body of child, who had died in a road accident. When the informant arrived at the aforesaid place and persuaded to clear the blockage they slated the informant in the name of his caste and made attack on him. One Amresh Kumar Choudhary was leading the mob. They snatched his mobile phone and documents.

It is submitted by the learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. Utmost he happens to be member of the mob. About 165 accused persons including the appellant were present at the P.O. but informant has not disclosed in specific as to who slated him in the name of his caste so no offence under Section SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. He has no criminal antecedent. Similarly situated co-accused persons namely Jital Poddar @ Awadesh Poddar has been enlarged on bail by a co-ordinate Bench of this Court passed in Criminal Appeal (SJ) No. 388 of 2019 vide order dated 04.02.2019.



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

Having regard to the facts and circumstances of the case, let the above named appellant, 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 Special Judge, SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No. 431 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)

T.Kr./-

U		T	
---	--	---	--

