

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2208 of 2019

Arising Out of PS. Case No.-528 Year-2018 Thana- MASAUDHI District- Patna

Govind Kumar @ Manoj Kumar Son of Shatrudhan Pandit Resident of
Village- Daudpur, P.S.- Masaurhi, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Nandan Pandit

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 19-07-2019 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 09.04.2019 passed by learned ADJ-VIII-cum-
Special Judge, SC/ST Act, Patna in Masaurhi P.S. Case No. 528
of 2018 registered under Sections 147, 148, 149, 341, 323, 504,
506, 379, 448 of the Indian Penal Code, Section 27 of the Arms
Act and Section 3(i)(r)(w) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

The appellant along with five named and 10-15



unknown miscreants are said to have slated the informant in the name of his caste on raising protest against removal of the poll by them. Co-accused Raja Kumar snatched golden chain and ear ring of the wife of the informant and tore her blouse. Subsequently, all the accused persons also arrived there and resorted stone pelting inflicting injury to the Rustam Kumar and Sanjay Vishwakarma.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case over petty dispute of the removal of broken poll. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Moreover, there were around 20 persons at the place of occurrence and the informant has not specifically stated as to who slated him in the name of his caste. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Rakesh Kumar and Shatrudhan Kumar @ Shatrudhan Ram have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.04.2019 passed in Cr. Appeal (SJ) No. 4003 of 2018.

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 ADJ-VIII-cum-Special Judge, SC/ST Act, Patna in connection with Masaurhi P.S. Case No. 528 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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