

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2116 of 2019**

Arising Out of PS. Case No.-66 Year-2019 Thana- SUPPI District- Sitamarhi

1. LAL BABU MIAN @ LAL BABU BAITHA Son of Bipat Mian @ Bipat Baitha Resident of Village-Mohini Mandal, P.S.-Suppi, District-Sitamarhi.
2. Kyamul Mian @ Kyamul Baitha @ Kiyamul Haq Son of Bipat Mian @ Bipat Baitha Resident of Village-Mohini Mandal, P.S.-Suppi, District-Sitamarhi.
3. Neyamul Mian @ Neyamul Baitha @ Niyamul Son of Bipat Mian @ Bipat Baitha Resident of Village-Mohini Mandal, P.S.-Suppi, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 22-07-2019 Heard learned counsel for the appellants 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.04.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sitamarhi in connection with Suppi P.S. Case No.66 of 2019 registered under Sections 341, 323, 504, 506 & 453/34 of the Indian Penal Code



and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have assaulted the informant and his wife and disrobed his wife and also slated him in the name of his caste arriving at his house constructed under the Indira Aawas Scheme.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the appellants had purchased land from Shiv Shankar Ram and others in the year 2008 and constructed house and live there but the informant is having eyesore on it. The informant along with others had broken his latrine sheet for which appellant no.1 had informed the matter to the Suppi P.S. and on his petition a proceeding under Section 107 Cr.P.C. has been initiated against the informant and others due to the aforesaid grudge the informant has lodged this false and frivolous case against the appellants. No one has sustained any injury in the occurrence. The appellants are said to have slated the informant inside the house of the informant and not in public view. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sitamarhi in connection with Suppi P.S. Case No. 66 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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