

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2228 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- CHAKAND District- Gaya

-
1. Rajnish Kumar @ Kundan Singh @ Kundan Son of Ranjit Singh Resident of Village - Hasanpur, P.S.- Chakand, Distt - Gaya.
 2. Nitin Singh @ Nitin Kumar Son of Mithlesh Singh Resident of Village - Hasanpur, P.S.- Chakand, Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 29-07-2019 Heard learned counsel for the appellants 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 05.04.2019 passed by learned Special Judge, SC/ST Gaya in Chakand P.S. Case No. 33 of 2019 registered under Sections 341, 323, 353, 427, 379, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On refusal by the informant to accord certificate under Development Gaya Scheme to the appellants, they



intruding into the office of the informant slated him in the name of his caste and also assaulted him by means of leg and fist and tore the papers and took away Rs. 2500/- from his possession and extended threatening of dire consequence.

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 made complian to the D.H.O. against irregularity and unpunctuality of the informant in the hospital and being peeved with the aforesaid complaint case, the informant has lodged this false and frivolous case with wrong and concocted allegation. There is delay of around thirty three days in lodging the FIR without assigning any plausible explanation for the same. The informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the specific name of his caste. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have 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 appellants be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Gaya in connection with Chakand P.S. Case No. 33 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

rohit/-

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

