

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2222 of 2019

Arising Out of PS. Case No.-38 Year-2018 Thana- NAVINAGAR District- Aurangabad

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DHIRI SINGH @ DHIRU SINGH Son of Late Kriapal Singh Resident of
Village- Bhanokhap, P.S.- Nabinagar, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajendra Singh
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 12-07-2019 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 06.04.2019 passed by learned 1st Additional
Sessions Judge-Cum-Special Judge, (SC/ST) Aurangabad in
connection with Niabinagar P.S. Case No. 38 of 2018, registered
under Sections 341, 323, 34 of the Indian Penal Code and also
under Section 3 (i) (r) (s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Appellant and co-accused Ram Pukar Singh are said



to have Stalled Gumti on the land of the informant and on protest made by the informant they gave him chase to assault slating him.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He never encroached the land of the informant. As a matter of fact, regarding alleged encroachment of land proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956 has been initiated against the appellant and notice has been issued against him by the C.O. Navinagar as per annexure of the F.I.R itself. As the appellant has not encroached the land of the informant hence, no question of slating him by the appellant arises. The aforesaid allegation of slating levelled against the appellant is not specific rather general and omnibus in nature and is superfluous. He has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant is directed to 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Nabinagar P.S. Case No. 38 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)

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