

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2198 of 2019**

Arising Out of PS. Case No.-86 Year-2018 Thana- SC/ST District- Sitamarhi

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ARUN RAI @ ARUN KUMAR RAI S/o Late Jitendra Rai R/o Village-
Baswaria, Ward No. 25, P.S. and District- Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dinesh Jha

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

3 11-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 29.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in Sitamarhi SC/ST P.S. Case No. 86 of 2018 registered under Sections 341, 323, 427, 504 and 506/34 of the Indian Penal Code and Section 3(1) (s) of the SC/ST Act.

Appellant who happens to be ward member along with four other accused persons are said to have slated the informant in the name of his caste and slapped him and also damaged the front glass of the car of the Mukhiya Ji. Informant



happens to be driver of the said Mukhiya Ji.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, appellant happens to be ward member and he always used to oppose the illegal activity of the Mukhiya Ji and in order to mount pressure upon the appellant, said Mukhiya Ji got this false and frivolous case lodged against the appellant. Allegation of slating and slapping the informant levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is inordinate and abnormal delay of 10 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

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

Having regard to 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 the learned 1st Addl. Sessions



Judge cum Special Judge, SC/ST Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 86 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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