

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2181 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SC/ST District- Aurangabad

1. Naresh Sao Son of Late Bhikhar Sao Resident of Village - Charon, P.S.- Mali, Distt - Aurangabad.
2. Bhola Kumar Son of Naresh Sao Resident of Village - Charon, P.S.- Mali, Distt - Aurangabad.
3. Sunil Sao Son of Prayag Sao Resident of Village - Charon, P.S.- Mali, Distt - Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 24-07-2019 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 01.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST) Act, Aurangabad in Aurangabad Town P.S. Case No. 11 of 2019 registered under Sections 341, 323, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant arrived at the house of appellant Naresh Sao to take price of his paddy, all the



appellants slated him in the name of his caste and assaulted him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case. As a matter of fact, the informant happens to be labourer of Amod Singh with whom the appellants have property dispute and said Amod Singh has lodged this false and frivolous case against the appellants through the informant in order to harass them and grab their property. Allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of three days in lodging the FIR without assigning any plausible explanation of the same. Slating the informant is said to have been made at the house of the appellants and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. There is no injury report of the victim on record. Appellant no. 2 has no criminal antecedent while one case has been lodged against each of the appellant nos. 1 and 3, but they are on bail in the said case.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellants submitted that the appellants have slated the



informant in the name of his caste and also assaulted him when he went to their house to take price of paddy sold to them. Appellant nos. 1 and 3 are having criminal antecedent, hence, they do not deserve bail.

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 1st Addl. Sessions Judge cum Special Judge (SC/ST) Act, Aurangabad in connection with Aurangabad Town P.S. Case No. 11 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)

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