

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2336 of 2019**

Arising Out of PS. Case No.-95 Year-2019 Thana- WAJIRGANJ District- Gaya

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Santu Kumar @ Santu Singh Son of Narendra Singh Resident of Village -
Bajaul, P.S.- Wajirganj, Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Manish Kumar No. 2
For the Informant	:	Mr. Arun Kumar
		Mrs. Subuhi
For the Respondent/s	:	Mr. Sadanand Paswan

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

ORAL ORDER

4 24-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
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 Exclusive
Special Judge, SC/ST Act, Gaya in Wajirganj P.S. Case No. 95
of 2019 registered under Sections 341, 323, 448, 427, 354, 504,
506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant along with co-accused Dipak Singh are



said to have intruded into the house of Balmiki Tanti, Pawan Tanti and Bhola Tanti and assaulted their family members and misbehaved with the women folk and damaged two vehicles and also slated them in the name of their caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. There is old animosity between the parties over the land dispute. Pattidar of the informant has already lodged Wajirganj P.S. Case No. 151 of 2006 against the appellants and others. Allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slating the informant in the name of his caste is said to have been made inside the house and not in the public view. There are three cases lodged against the appellant. Out of them, one has been lodged by her wife under Section 498(A) and other has been filed by Pattidar of the informant. Appellants are on bail in the aforesaid cases.

Per contra, learned Spl. P.P. opposing the bail prayer of the appellant submitted that the appellant intruding into the house of three persons assaulted them and misbehaved with the women folk and assaulted occupants of the house, hence, they do not deserve bail.



In 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 learned learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Wajirganj P.S. Case No. 95 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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