

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2431 of 2019**

Arising Out of PS. Case No.-9 Year-2019 Thana- TARAIIYA District- Saran

1. JAISHANKAR SINGH Son of Late Chaturgun Singh Resident of Village - Chainpur, P.S.- Taraiyan, District- Saran at Chapra.
2. Karan Singh Son of Jaishankar Singh Resident of Village - Chainpur, P.S.- Taraiyan, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar..... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Yashraj Bardhan  
For the Respondent/s : Mr.Sadanand Paswan

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

**ORAL ORDER**

3      23-07-2019                      Heard learned counsel for the appellants 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 16.04.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chhapra in connection with Taraiya P.S. Case No. 09 of 2019, registered under Sections 341, 323, 504/34 of the Indian Penal Code and also under Section 3 (i) (r)/3 (2) va of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On refusal of the brother of the informant from extracting Damkol from the toddy tree both the appellants slated the brother of the informant in the name of his caste and on



protest made by the informant and his brother appellant Jai Shankar Singh stabbed the informant in his stomach by means of knife.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case, merely because appellant No.1. takes part in preparation of mid day meal in primary school and informant used to dump the liquor in the said school premises and appellant no.1 forbade the informant due to aforesaid reason, the informant lodged this false and frivolous case against the appellants. There is no allegation of slating the informant in the name of his caste against the appellants. Hence, appellants may be enlarged on bail.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that there is specific allegation against the appellant Jai Shankar Singh, of stabbing in the stomach of the informant by means of knife and informant was referred to the P.M.C.H Patna for better treatment, hence he does not deserve bail.

Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the appellant No.1 on



bail.

However, the appellant No.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender by the appellant No.1.

Appellant No.2 Karan Singh 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) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chhapra, in connection with Taraiya P.S. Case No. 09 of 2019, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the aforesaid appeal is disposed of.

**(Prakash Chandra Jaiswal, J)**

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