

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2338 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Patna

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1. SURESH KUMAR Son of Manjai Prasad Resident of Village - Shivpuri Nahar Par, P.S.- Gardanibagh, Distt - Patna.
 2. Priti Devi @ Priti Kumari Wife of Suresh Kumar Resident of Village - Shivpuri Nahar Par, P.S.- Gardanibagh, Distt - Patna.
 3. Binod Kumar Son of Deep Narayan Yadav Resident of Village - Shivpuri Nahar Par, P.S.- Gardanibagh, Distt - Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niranjana Parihar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 17-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 07.05.2019 passed by learned Special Judge SC/ST Act, Patna in connection with Special Case No.180 of 2019, arising out of Patna SC/ST P.S. Case No. 16 of 2019 registered under Sections 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) (w) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was proceeding to fetch milk, the appellants intercepted her on way and slated and assaulted her and on lodging the case by the informant against them, they extended threatening of dire consequence to her and her family members arriving at her house.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to animosity. There is case and counter case between the parties. The allegation of assaulting and slating the informant is not specific rather general and omnibus in nature. Informant has not sustained any injury. There is no allegation of slating the informant in the name of her caste against appellants. Hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Special Judge SC/ST Act, Patna in connection with Special Case No.180 of 2019, arising out of Patna SC/ST P.S. Case No. 16 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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