

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2410 of 2019**

Arising Out of PS. Case No.-458 Year-2018 Thana- ROSERA District- Samastipur

MD. NISAR Son of Sher Ahmed Resident of Village- Khaira, Police Station-
Rosera, District- Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Mishra
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 19-07-2019 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 24.04.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Samastipur in Rosera P.S. Case No. 458 of 2018 registered under Sections 448, 506 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

During the course of reconciliation between the informant and his patidar at his house, appellant along with 4-5 other accused persons arrived there and became adamant to assault the informant and his family members slating them in



the name of their caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. There is no allegation of assault against the appellant. Allegation of slating the informant and his family members levelled against the appellant is not specific rather general and omnibus in nature. Appellant is said to have slated the informant and his family members in the name of their caste inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. 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, Samastipur in connection with Rosera P.S. Case No. 458 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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