

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2400 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SC/ST District- Sheikhpura

SUJIT KUMAR @ Sujit Prasad Son of Late Hari Lal Mahto @ Late Hari Lal Prasad Sinha Resident of Village - Mahsimpur, P.S.- Sheikhopur Sarai, Dist.- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bipin Kumar
For the State	:	Mr.Binay Krishna
For the informant	:	Mr. Jai Prakash Singh
		Mrs. Arti Kumari

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 18-07-2019 Heard learned counsel for the appellant, learned counsel for the informant 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 14.05.2019 passed by learned 1st Addl. District and Sessions Judge, Sheikhpura in SC/ST Case No. 28 of 2019 arising out of Sheikhpura SC/ST P.S. Case No. 09 of 2019 registered under Sections 147, 323, 429, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

On the refusal of the informant to sell out her goat to the appellant, appellant along with other named accused persons



are said to have eliminated her goat by administering urea. When the husband of the informant along with others rushed to the house of accused persons to make complain, all the accused persons including the appellant 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. Appellant has been falsely implicated in the case due to land dispute. There is case and counter case between the parties. There is two days delay in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. The allegation of slating the husband of the informant and others levelled against the appellant is not specific rather general and omnibus in nature. Appellant is said to have slated them in their house and not in public view, hence no offence under SC/ST Act is made out against the appellant. Similarly situated co-accused namely Pramod Prasad, Bimla Devi, Diwakar Prasad and Prabhakar Kumar have been enlarged on anticipatory bail by this Court vide order dated 02.07.2019 passed in Cr. Appeal (SJ) No.2557 of 2019.

Per contra, learned Spl. PP for the State opposing the bail petition submitted that the appellant has



eliminated the she goat of the informant and on making complain by her husband and others he along with other accused persons slated them in the name of their caste, hence he does not deserve 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. District and Sessions Judge, Sheikhpura in connection with SC/ST Case No. 28 of 2019 arising out of Sheikhpura SC/ST P.S. Case No. 09 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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