

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2557 of 2019

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

1. PRAMOD PRASAD Son of Late Hari Lal Mahto Resident of Village - Mahsimpur, P.S.- Sheikhopur Sarai, District - Sheikhpura.
2. Bimla Devi Wife of Sri Prasad pd. @ Pramod Prasad Resident of Village - Mahsimpur, P.S.- Sheikhopur Sarai, District - Sheikhpura.
3. Diwakar Prasad @ Diwakar Kumar Son of Pramod Prasad Resident of Village - Mahsimpur, P.S.- Sheikhopur Sarai, District - Sheikhpura.
4. Prabhakar Kumar Son of Pramod Prasad Resident of Village - Mahsimpur, P.S.- Sheikhopur Sarai, District - Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bipin Kumar
For the State	:	Mr.Usha Kumari 1
For the Informant	:	Jai Prakash Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-07-2019 Heard learned counsel for the appellants, 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 09.05.2019 passed by learned 1st Addl. 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(r)(r)(s) and 3(2)(va) of the SC/ST Act.

On the refusal of the informant to sell out her goat to



the appellants, appellants are said to have eliminated the goat by administering urea. When the husband of the informant along with others rushed to the house of appellants to make complain, appellants and two other named accused persons slated them in the name of their caste.

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 land dispute. There is case and counter case between the parties. There is two days delay in lodging the F.I.R. and no plausible explanation has been assigned for the aforesaid delay. The allegation of slating the husband of the informant and others levelled against the appellants is not specific rather general and omnibus in nature. Appellants are 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 appellants.

Per contra, learned Spl. PP for the State opposing the bail petition submitted that appellants are said to have slated the husband of the informant & others in the name of their caste on making complain for eliminating the goat of the informant by them, hence they do not deserve bail.

Having regard to the facts and circumstances of the



case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. 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)

mantreshwar/-

U		T	
---	--	---	--

