

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2269 of 2019**

Arising Out of PS. Case No.-150 Year-2018 Thana- RAJAPAKAR District- Vaishali

1. RAMSAGAR SINGH Son of Late Ramanand Singh Resident of Village - Dumri, P.S.- Rajapakkar, Distt - Vaishali.
2. Golu Kumar Son of Arvind Singh Resident of Village - Dumri, P.S.- Rajapakkar, Distt - Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Vasant Vikas

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3      12-07-2019                      Heard learned counsel for the appellants 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 29.04.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in Rajapakar P.S. Case No. 150 of 2018 registered under Sections 147, 149, 323, 341 and 504 of the Indian Penal Code and Section 3(I)(k)(r)(s)(4) of the SC/ST Act.

Appellants along with ten other accused persons are said to have locked the temple of Goddess Kali and slated the informant and others in the name of their caste and did not allow



the informant and members of scheduled castes to offer worship in the temple.

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. As a matter of fact, informant and others had committed theft of loudspeaker, amplifier, etc. of the temple and also made attempt to commit theft of idol of Goddess Kali. Regarding the aforesaid occurrence, appellant no.1 has lodged Rajapakar P.S. Case No. 149 of 2018 preceding to the case under hand against the informant and others and informant has lodged this false and frivolous case against the appellants to save his skin from the said case. Aforesaid temple is closed after offering worship in the night at 8 PM and opens at 4 AM in the morning. Appellants never deprived any person from offering worship in the temple. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have 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 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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Rajapakkar P.S. Case No. 150 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C with condition that appellants will not prohibit the informant and members of SC/ST community from offering worship in the temple else their bail bond shall stand cancelled.

Accordingly, the impugned order is set aside and appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

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