

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2254 of 2019

Arising Out of PS. Case No.-200 Year-2014 Thana- BEUR District- Patna

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1. Deepak Kumar Son of Sri Shyam Prakash Sharma Resident of Village- New Harnichack More, P.S.- Beur, Patna, District- Patna
 2. Jai Prakash Narain Sharma Son of Harsit Singh Resident of Village- New Harnichack More, P.S.- Beur, Patna, District- Patna

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Narayan Singh

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 10-07-2019 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 19.03.2019 passed by learned Special Judge SC/ST Act, Patna in connection with Beur P.S. Case No. 200 of 2014 registered under Sections 341, 337, 504 & 506/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant-Deepak Kumar hurled brick bat on the



terrace of the informant and on protest slated her in the name of her caste and when the informant arrived at the house of Jai Prakash Narain Sharma he mounted pressure upon her to get the matter hush-up and also slated her in the name of her 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 ulterior motive. The occurrence of slating the informant in her caste name by Deepak Kumar has not taken place in public view as during the course of slating the informant by Deepak Kumar none was present there. As as per the written report itself, the informant divulged the aforesaid occurrence to the neighbours later on and appellant Jai Prakash Narain Sharma slated the informant in the name of her caste in his house. 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 Beur P.S. Case No.200 of 2014, 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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