

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2349 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- JAMHOR District- Aurangabad

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1. Jitendra Rai Son of Chaturi Rai Resident of Village- Baidahi, P.S. Jamhor, District- Aurangabad.
 2. Madan Rai Son of Shyam Narayan Ray @ Shyama Rai Resident of Village- Baidahi, P.S. Jamhor, District- Aurangabad.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kunti Devi Wife of Dhananjay Ram Resident of Village- Baidahi, P.S. Jamhor, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 29-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 27.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in Jamhore P.S. Case No. 107 of 2018 registered under Sections 341, 323, 504, 354, 427/34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



On not according the key of the school to the sons of the appellants by the son of the informant handed over to him by the Head Master of the school, the sons of the appellants assaulted the son of the informant. When her son arrived at his house weepingly, the appellants also arrived at the house of the informant following him and on making query about assault by the informant, they slated her in the name of her caste and shoved her on the ground assaulting her and tore her attire. When her daughter rushed in her rescue, they also assaulted her and tore her attire.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants happen to be next door of the informant. They have been falsely implicated in this case due to dispute of flowing of drain water. None has sustained injury in the occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is case and counter case between the parties. Slating the informant in the name of her caste is said to have been made inside her 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, 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 learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in connection with Jamhore P.S. Case No. 107 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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