

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2247 of 2019

Arising Out of PS. Case No.-33 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. HARENDRA PAL SINGH Son of Amarjeet Singh Resident of JB Nagar 5th Floor, B - 17, Sukhdayak Society, Andheri East, P.S.- Andheri, Mumbai (Maharashtra). Presently resident of Mohalla - Shankar Nagar, Ramna (Behind the Gurudwara) P.S.- Meethapura, Distt - Muzaffarpur.
 2. Shalini Kaur@ Shalini Kuer Wife of Harendra Pal Singh Resident of JB Nagar 5th Floor, B - 17, Sukhdayak Society, Andheri East, P.S.- Andheri, Mumbai (Maharashtra). Presently resident of Mohalla - Shankar Nagar, Ramna (Behind the Gurudwara) P.S.- Meethapura, Distt - Muzaffarpur.

... .. Appellants.

Versus

1. The State of Bihar.
2. Mukesh Kumar Paswan Son of Sri Jiwan Paswan Resident of Bhagwanpur, P.S.- Sadar, Distt - Muzaffarpur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

8 25-07-2019 Heard learned counsel for the appellants, learned counsel for the complainant (opposite party no.2) and learned Special Public Prosecutor for the State.

Learned counsel for the appellants filed a supplementary affidavit regarding criminal antecedent of the appellants in Court.

Let it be kept on record.

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 13.05.2019 passed by learned Special Judge SC/ST Act, Muzaffarpur in connection with Complaint Case No. 33 of 2016 registered under Sections 341, 323, 504 & 506 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Complainant is said to have worked at the cloth shop of appellant no.1 on the wages of Rs.10,000.00 per month for eight months but the appellant no.1 has accorded him only Rs.40,000.00 and when the complainant arrived at his house for payment of rest of the wages both the appellants along with two other accused persons slated him in the name of his caste and also tying gamacha on his neck pulled it.

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 by the informant. As a matter of fact, there has been dispute between appellant no.1 and his sister and brother-in-law and after setting the informant they have got lodged this false and frivolous case against them in order to harass them. At the time of alleged occurrence appellant no.2 was not present rather she resides at



Mumbai. Informant has not sustained any injury in the occurrence. The allegation of slating the informant is not specific rather general and omnibus in nature. Slating the informant in the name of his caste is said to have been made at the house of the appellants and not in public view. Hence, no offence under SC/ST Act is made out against the appellants.

Learned counsel for the opposite party no.2 and 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, Muzaffarpur in connection with Complaint Case No. 33 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The learned lower Court is directed to accept the bail bond of the appellants on depositing a bank draft of Rs.40,000.00 in the name of the complainant in the Court. It is made clear that the said payment of money by the appellants will have no effect on the merit of the case.



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

(Prakash Chandra Jaiswal, J)

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