

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2331 of 2019

Arising Out of PS. Case No.-1 Year-2018 Thana- COMPLAINT CASE District- Kishanganj

1. ABU KALAM Son of Nasiruddin Resident of Dharhar, P.S.- Bahadurganj, District- Kishanganj
2. Khusbu Rani @ Khushboo Rani D/o Abu Kalam Resident of Dharhar, P.S.- Bahadurganj, District- Kishanganj

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Meen Devi Wife of Budhlal Resident of Village - Dharhar, Panchayat - Nisnandra, P.S.- Bahadurganj, District- Kishanganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 13-08-2019 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 07.05.2019 passed by learned 1st Addl. Sessions Judge, Kishanganj in Complaint Case No. 01C/2018, Special Case No. 18 of 2019 registered under Sections 323 and 504 of the Indian Penal Code and Section 3(i)(e)(r)(s) of the SC/ST Act.

Appellants are said to have taken Rs. 1000/- from the complainant to manage her flood relief fund. On the date of occurrence, they arriving at the house of the complainant demanded further Rs.2000/- for the said cause and on refusal by



the complainant, they called other named accused persons and dragged her on the road, tore her attire and slated her in the name of her caste and also assaulted her by means of slipper.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellant Abu Kalam has lodged Bahadurganj P.S. Case No. 289 of 2017 against the complainant and others on 21.11.2017 and being peeved with the same, complainant has lodged this false and frivolous complaint against the appellants after one month and twenty days without assigning any plausible explanation for the said delay. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Complainant has not sustained any injury in the occurrence. Complainant and other witnesses examined during enquiry have unanimously stated that the occurrence of slating the informant took place inside the house of the informant and not in public view, 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.

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, Kishanganj in connection with Complaint Case No. 01C/2018, Special Case No. 18 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)

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