

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2350 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. MANJEET KUMAR S/o Sikandra Gupta R/o Village- Kishunpur, P.S.- Amba, District- Aurangabad, Bihar.
 2. Sanjeet Kumar S/o Sikandra Gupta R/o village- Kishunpur, P.S.- Amba, District- Aurangabad, Bihar.
 3. Yogendra Saw S/o Late Chalitar Sao R/o village- Kishunpur, P.S.- Amba, District- Aurangabad, Bihar.
 4. Santosh Gupta @ Akela S/o Late Lakhan Sao R/o village- Kishunpur, P.S.- Amba, District- Aurangabad, Bihar.
 5. Briksha Sao S/o Late Keshwar Sao R/o village- Kishunpur, P.S.- Amba, District- Aurangabad, Bihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Leelawati Kumari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 12-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.5.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Aurangabad in connection with Complaint Case No. 67 of 2018, registered



under Sections 147, 323, 504, 506, of the Indian Penal Code and also under Section 3 (i) (x), 3 (i) (k), 3 (I) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

In order to mount pressure upon the complainant to compromise the case lodged against the appellants regarding teasing her girl by them, the appellants slated the complainant in the name of her caste and assaulted her while she was going to offer worship in the temple of god Shiva.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, mother of appellants No. 1 and 2 has lodged a case bearing Amba P.S. Case No. 59 of 2018 dated 10.07.2018 earlier to case under hand against the complainant and others and in retaliation thereto the informant has lodged this false and frivolous case against them. There is inordinate delay of four days in lodging the complaint petition by the complainant without giving any plausible explanation. Allegation of slating the complainant against the appellants is not specific rather general and omnibus in nature. Complainant has not sustained injury in the occurrence. Barring the one case which has been lodged by the complainant against the appellants No. 1 and 2 there is no other case pending against the appellants.



Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 1st Additional District & Sessions Judge-cum- Special Judge SC/ST (POA) Act, Aurangabad, in connection with Complaint Case No. 67 of 2018, subject to 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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