

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2456 of 2019**

Arising Out of PS. Case No.-19 Year-2017 Thana- SC/ST District- Patna

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1. MADAN PRASAD GUPTA S/o Tarkeshwar Saw R/o Sahpur Narendra Towkej More, P.S.- Town, District- Aurangabad.
 2. Mantu Prasad Gupta S/o Gopal Prasad @ Gopal Prasad Gupta R/o Sahpur Pokhara Par, P.S.- Town, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

- 3 29-07-2019 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 14.5.2019 passed by learned 8th Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Patna in connection with SC/ST P.S. Case No. 19 of 2017, registered under Sections 447/341/323/354/379/504/506/34 of the Indian Penal Code and also under Section 3 (i) (r) 3 (I) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Over dispute of payment of loan between the son of the informant and appellant No.2, both the appellants along with three other unknown miscreants intruded into the house of the informant searched the son of the informant and slated the informant, in the name of her caste. They also pushed the informant and her daughter-in-law and tore her attire. Appellant Mantu Prasad Gupta snatched golden chain of her daughter-in-law.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, son of the informant namely Vikash Choudhary had taken loan of Rs.5,00,000/- from the appellant No. 1 Madan Prasad Gupta and out of the aforesaid amount he had returned Rs. 1,00,000/- and issued cheque of Rs.4,00,000/- in favour of the said appellant. But the aforesaid cheque was bounced on presentation in the bank consequently the said appellant has lodged case No. 299/15 under Section 138 of N.I. Act against the son of the informant in the year 2015 and anticipatory bail of the son of the informant filed in the said case was dismissed on withdrawal by the said accused. Due to aforesaid reason and animosity informant has filed this false and frivolous case



against the appellants in order to harass them and mounting pressure upon them. Allegation of slating the informant in the name of her caste against the appellants is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. Allegation of slating the informant in the name of her caste is said to have been made inside the house of the informant and not in a public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of five days in lodging the F.I.R by the informant without assigning any plausible explanation. They have no criminal antecedent.

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 8th Additional District & Sessions Judge-cum- Special Judge SC/ST (POA) Act, Patna, in connection with SC/ST P.S. Case No. 19 of 2017, 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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