

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2525 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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Brijesh Thakur Son of Late Bhikham Thakur Resident of Village- Mahapatra
Tola, P.S.- Chanpatia, District- West Champaran.

... .. Appellant.

Versus

1. The State of Bihar.
2. Suresh Kumar Ram S/o Veer Bahadur Ram R/o Village-Khariwa Tola,P.S-
Chanpatiya, Dist-West Champaran

... .. Respondents.

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

5 16-09-2019 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State. Despite valid

service of notice none is present on behalf of the informant.

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 10.04.2019 passed by learned 1st Additional

Sessions Judge cum Special Judge, West Champaran at Bettiah

in connection with Bettiah SC/ST P.S. Case No.53 of 2018

registered under Sections 406, 341, 323, 504 & 506 of the

Indian Penal Code and Section 3(1) (r) and 3 (2) (va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant took Rs.1,00,000.00 from the informant for managing job in the gas agency and managed his job in the Vindhyavasini Gas Agency, Biharsharif on Rs.10,000.00 per month. He worked in the said Gas Agency for three months but he was not accorded his salary and when the informant arrived at the house of the appellant to claim his wages he slated him in the name of his caste and assaulted him by means of fists and slaps made him to leave the house.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to ulterior motive. There is no evidence of giving money to the appellant by the informant. Informant has not worked in the agency of the appellant so the appellant is not liable to make any payment to him. Slating the informant is said to have been made in the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Moreover, parties to the case have compromised the matter. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Bettiah SC/ST P.S. Case No.53 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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