

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2465 of 2019

Arising Out of PS. Case No.-1919 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Shailendra Kumar Singh Son of Late Panchdeo Singh Resident of Village- Marhowrah Khurd Ward No. 14, P.S.- Marhowrah, District- Saran (Chapra).
 2. Amrendra Kumar Singh Son of Late Panchdeo Singh Resident of Village- Marhowrah Khurd Ward No. 14, P.S.- Marhowrah, District- Saran (Chapra).
 3. Rahul Kumar @ Rahul Kumar Singh Son of Satish Singh @ Satish Kumar Singh Resident of Village- Marhowrah Khurd Ward No. 14, P.S.- Marhowrah, District- Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar.
2. Baliram Ram Son of Shri Krishna Ram Resident of Village- Marhowrah Khas Ward No. 16, P.S.- Marhowrah, District- Saran (Chapra).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 01-08-2019 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 29.04.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Saran SC/ST Complaint Case No. 1919 of 2017, registered under



Sections 323,341,504 of the Indian Penal Code and also under Section 3 (i) (N) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over debacle in the election of Ward Member by appellants Shailendra Kumar Singh from the grand father of the complainant Gopal Ram, when the complainant was proceeding to market along with his *thela*, all three appellants slated the complainant in the name of his caste blaming for not casting vote in their favour and also assaulted him and snatched him Rs.1000/-.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Admittedly there is political rivalry between the parties and due to that rivalry the complainant has lodged this false and frivolous case against the appellants. The 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. Though the complainant has alleged about slating him in the name of his caste by the appellants but in his S.A. he has not stated about slating him by the appellants. Allegation of taking money is mere super-addition. 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Complaint Case No. 1919 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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