

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2618 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- SC/ST District- Nawada

1. MANOJ SINGH @ TANIK SINGH Son of Late Kedar Singh Resident of Village - Pachhiya Dih, P.S.- Mufassil, Dist.- Nawada
2. Chhotu Singh @ Dharmvir Kumar Son of Manoj Singh @ Tanik Singh Resident of Village - Pachhiya Dih, P.S.- Mufassil, Dist.- Nawada
3. Shree Ram Singh Son of Manoj Singh @ Tanik Singh Resident of Village - Pachhiya Dih, P.S.- Mufassil, Dist.- Nawada

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 14.05.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Nawada in connection with SC/ST P.S. Case No. 13 of 2018 registered under Sections 341, 323, 504, 506 & 435/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (iii) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

Over row of cultivating the land of his owner, namely, Ramcharitra Singh by the informant accused persons slated the informant and his family members in the name of caste. Manoj Singh pointed pistol on her husband and assaulted him and all the seven named accused persons including the appellants assaulted them including the son of the owner. They also extended threatening of dire consequence slating them on lodging the case by them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. As a matter of fact, the owner of the land, namely, Ramcharitar Singh is the agnates of the appellants and appellants have lodged a case being Muffasil P.S. Case No.64 of 2018 against the son of the land owner and others and due to the aforesaid reason the said landlord got the aforesaid case lodged through her labourer with altogether wrong and concocted allegation. None has sustained injury in the occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Similarly situated co-accused Dilip Singh @ Bipin Kumar and others have been enlarged on bail by a coordinate



Bench of this Court vide judgment dated 11.12.2018 passed in
Cr. Appeal (SJ) No.2176 of 2018.

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

In the facts and circumstances of the case, the
above named appellants, in the event of their arrest or surrender
before the learned Court below within a period of six weeks
from today, be enlarged on bail 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
Sessions Judge cum Special Judge, Nawada in connection with
SC/ST P.S. Case No. 13 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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