

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2655 of 2019

Arising Out of PS. Case No.-159 Year-2017 Thana- KALYANPUR District- Samastipur

1. SAURAV KUMAR Son of Jaishankar Prasad Singh Resident of Village- Birshinghpur, P.S.- Kalyanpur, District- Samastipur.
2. Raj Prasad Singh Son of Sri Shambhu Prasad Singh Resident of Village- Birshinghpur, P.S.- Kalyanpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Ranjan

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 04-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

The appellants seek pre-arrest bail in connection with Kalyanpur P.S. Case No. 159 of 2017 registered under Sections 323, 341, 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellants are said to have misbehaved with the informant Meena Kumari on the way to her house and when the husband of the informant along with others quizzed the appellant Saurav Kumar about his misdeed, appellants along with other accused persons assaulted him by means of lathi slating him in the name of his caste.



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. No one sustained any injury in the occurrence. The allegation of slating is not specific rather general and omnibus in nature. There is case and counter case between the parties and appellants side had lodged the case against the prosecution party earlier to the case under hand and in order to save skin from the aforesaid case, informant filed this false and frivolous case after 14 days of the alleged occurrence without assigning any plausible explanation for the aforesaid delay. After investigation of the case, I.O. has submitted final form against the appellants.

Per contra, learned Spl. PP for the State opposing the bail petition submitted that there is allegation of slating the informant and her husband in the name of their caste against the appellants and cognizance against the appellants has been taken under SC/ST Act by the learned lower court differing with the final form submitted by the I.O, hence anticipatory bail is not maintainable.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Prayer for bail of the appellants is rejected. Accordingly this



appeal is dismissed.

However, appellants are directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellants on the very date of their surrender in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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