

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2743 of 2019**

Arising Out of PS. Case No.-497 Year-2017 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Sulekha Devi @ Sunaina Devi W/o Upendra Singh @ Upendra Nath Singh  
R/o village- West Lohanipur, P.S.- Kadamkua, District- Patna
  2. Upendra Nath Singh @ Upendra Singh S/o Late Subedar Singh R/o village-  
West Lohanipur, P.S.- Kadamkua, District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Garib Das S/o Late Munsii Das R/o village- Jarib Nagar, P.S.- Jamalpur,  
District- Munger, at present House Owner Upendra Singh, West Lohanipur,  
P.S.- Kadamkua, District- Patna

... .. Respondent/s

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**Appearance :**

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

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

ORAL ORDER

3      19-07-2019                      Heard learned counsel for the appellants and  
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act against the refusal of prayer of anticipatory bail  
vide order dated 14.05.2019 passed by learned Addl. Sessions  
Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Complaint  
Case No. 497 of 2017 registered under Sections 341, 323, 406,  
504/34 of the Indian Penal Code and Section 3(i)(r) of the  
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Appellants, who happen to be landlord of the complainant are said to have slated and assaulted the complainant in the name of his caste and asked him to vacate the house on demand of Rs. 82,684/- accorded by the complainant to them for installation of boring in the house.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case by the complainant. Huge amount of rent of the appellants was due to the complainant and in order to grab the aforesaid amount of rent, the complainant has lodged this false and frivolous case against them. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Moreover, slating the complainant is said to have been made inside the house, hence, no offence under SC/ST Act is made out against the appellants. Appellants have not taken any money from the complainant for installation of boring in the house. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in connection with Complaint Case No. 497 of 2017, subject to the 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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