

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2639 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- HULASGANJ District- Jehanabad

1. Ram Jatan Singh Son of Dwarika Singh Resident of Village-Darthu, Police Station-Hulasganj, District-Jehanabad.
2. Raj Kumar Singh @ Sukhar Singh Son of Dwarika Singh Resident of Village-Darthu, Police Station-Hulasganj, District-Jehanabad.
3. Ramadhyan Singh Son of Dwarika Singh Resident of Village-Darthu, Police Station-Hulasganj, District-Jehanabad.
4. Pawan Singh Son of Ram Jatan Singh Resident of Village-Darthu, Police Station-Hulasganj, District-Jehanabad.
5. Mithu Singh @ Mithu Son of Raj Kumar Singh @ Sukhar Singh Resident of Village-Darthu, Police Station-Hulasganj, District-Jehanabad.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.05.2019 passed by learned 1st Additional Sessions Judge, Jehanabad in connection with Hulasganj SC/ST P.S. Case No. 40 of 2019 registered under Sections 147, 149,



341, 323, 325 & 504 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over damaging wheat crops by the one of the wheels of tractor of brother-in-law of the informant while he was regressing to his house all the appellants assaulted him and made him seriously injured.

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 merely because the appellants have chided the brother-in-law of the informant over damaging their wheat crops by him by his tractor. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Informant was not examined by any government doctor rather was allegedly treated by private doctor. No injury report has been brought on record by the prosecution. Appellants have 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 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, Jehanabad in connection with Hulasganj SC/ST P.S. Case No. 40 of 2019, 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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