

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2498 of 2019

Arising Out of PS. Case No.-10 Year-2017 Thana- SC/ST District- Bhagalpur

RAJESH JAIN Son of Moti Lal Jain Resident of Village - Ward No.38, Jain
Mandir lane, P.S.- Kotwali, Town and Dist.- Bhagalpur.

... .. Appellant/s

Versus

1. THE SATE OF BIHAR.
2. Jichho Paswan Son of Late Kedar Paswan Resident of Village - Salempur,
P.S.- Pirpainti, Dist.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajeev Shekhar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

- 2 26-06-2019 Heard learned counsel for the appellant 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 03.6.2019 passed by learned Additional District & Sessions Judge 3rd-cum- Special Judge, Bhagalpur in connection with SC/ST Bhagalpur P.S. Case No. 10 of 2017, registered under Sections 341, 323, 504, 506 of the Indian Penal Code and also under Section 3 (1) (r)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Appellant is said to have slated the informant in the name of his caste while the informant was passing through his door and dragging him in his house, assaulted him and snatched his Rs.600/-. Informant happens to be gate-keeper of Ratan Kumar Santhalia and witness of the case lodged by his employer against the appellant.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case. As a matter of fact, long litigation is pending between the employer of the informant namely Ratan Kumar Santhalia and the appellant Rajesh Jain and in order to harass the appellant the said Ratan Kumar Santhalia, employer of the informant has got lodged this false case through his staff. I.O. after investigation of the case finding the same untrue has submitted the final form against the appellant. No offence under SC/ST Act is made out as the allegation of slating the informant is said to have been made at the door of the appellant and not in a public view as none has been made F.I.R witness.

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

In the facts and circumstances of the case, the above



named appellant is directed to be enlarged on bail 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 Additional District & Sessions Judge 3rd-cum- Special Judge, Bhagalpur, in connection with SC/ST Bhagalpur P.S. Case No. 10 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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