

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2612 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- PALIGANJ District- Patna

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1. RAJNISH KUMAR Son of Ram Niwash Sharma @ Ram Niwas Singh Resident of Village- Akbarpur, P.S.- Paliganj, District- Patna.
 2. Ram Niwash Sharma @ Ram Niwash Singh Son of Late Lota Sharma Resident of Village-Akbarpur, P.S.-Paliganj, District-Patna.
 3. Banti Kumar Son of Bishwa Nath Sharma Resident of Village-Akbarpur, P.S.-Paliganj, District-Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 24-07-2019 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 08.05.2019 passed by learned Special Judge SC/ST Act, Patna in connection with Special Case No.75 of 2019, arising out of Paliganj P.S. Case No. 64 of 2019 registered under Sections 341, 323, 448, 504 and 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act and 27 Arms Act.

Appellants are said to have assaulted and slated the labourers arriving at under construction Panchayat Bhawan asking them to stop the construction work. When husband of informant arrived there they slated him in the name of caste and assaulted him. Thereafter intruding into the house of the informant they assaulted the informant. Rajnish Kumar resorted firing in course of retreat.

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 due to dirty village politics. As a matter of fact, the wife of the appellant Ram Niwash Sharma @ Ram Niwash Singh has lodged a case against one Majoj Sharma, who happens to be master of the informant, and the said Manoj Sharma got this false and frivolous case lodged against the appellants through the informant. There is no allegation of slating the informant in the specific name of her caste and moreover said allegation is not specific rather general and omnibus in nature.

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 Special Judge SC/ST Act, Patna in connection with Special Case No.75 of 2019, arising out of Paliganj P.S. Case No. 64 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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