

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2573 of 2019**

Arising Out of PS. Case No.-434 Year-2018 Thana- BAKHTIYARPUR District- Patna

DR. RUDAL PRASAD @ RUDAL RAI S/o Bal Kishori Ray R/o Village-
Naya Tola, Madhopur, P.S.- Bakhtiyarpur, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tej Narayan Singh
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

7 20-11-2019 Seen the show cause submitted by A.S.P., Barh.

Aforesaid show cause is accepted.

Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 01.03.2019 passed by learned Special Judge, SC/ST Act,
Patna in Bakhtiyarpur P.S. Case No. 434 of 2018 registered
under Sections 341, 323, 354A, 354, 307 and 325 of the Indian
Penal Code and Section 3(i)(r) of the SC/ST Act.

One month wage of the informant worth Rs.4000/-
was due to the appellant and when the informant along with her
sister went to Nursing Home of the appellant to claim aforesaid
wages, appellant tried to drag her sister in the room with bad



intention and teased her. On protest made by them, he assaulted on the head and other parts of the person of her sister by means of rod inflicting injury to her. When informant rushed in her rescue, he also assaulted her and slated her in the name of her caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Informant has lodged this false and frivolous case against the appellant to extract money from him. No wages of the informant was due to the appellant. Witnesses in Para-7, 8 and 9 of the case diary have unanimously stated that informant along with her sister were proceeding to Nursing Home of the appellant on bike for working there and on the way sister of the informant fell down from the bike near Bakhtiyarpur bypass and sustained injury. Informant in her re-statement has not stated about slating her in the name of her caste by the appellant at his Nursing Home, hence no offence under SC/ST Act is made out against the appellant. Informant has not sustained any injury in the occurrence. Appellant has no criminal antecedent.

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

Having regard to the facts and circumstances of the



case, let the above named appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Bakhtiyarpur P.S. Case No. 434 of 2018, 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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