

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2630 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- JAYNAGAR District- Madhubani

1. AMIT SAH @ AMIT GUPTA Son of Ashok Sah Resident of Village- Jaynagar Thana Tal, P.S.- Jaynagar, District- Madhubani.
2. Rinki Kumari @ Rikki Kumari Daughter of Ashok Sah Resident of Village- Jaynagar Thana Tal, P.S.- Jaynagar, District- Madhubani.
3. Anita Devi Wife of Ashok Sah Resident of Village- Jaynagar Thana Tal, P.S.- Jaynagar, District- Madhubani.
4. Anjali Kumari Daughter of Ashok Sah Resident of Village- Jaynagar Thana Tal, P.S.- Jaynagar, District- Madhubani.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Kumar, Adv. Mr. Ratanakar Jha, Adv. Mr. Sunil Kumar, Adv.
For the Respondent/s	:	Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-08-2019 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 24.05.2019 passed by learned 1st Additional Sessions Judge, Madhubani in connection with Jaynagar P.S. Case No. 34 of 2019 registered under Sections 341, 323, 504 &



506/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Amit Sah called the informant at his house and all the appellants slated him in the name of caste in the house and asked him to leave the city and Anjali Kumari shoved her on the ground holding her hair and they snatched her child but on request returned it back to her.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, informant has lodged a false and frivolous case against the appellant Amit Sah with the allegation of ravishing her in which he has been enlarged on anticipatory bail hence in order to harass the appellant, the informant again lodged this false and frivolous case against the appellants and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. Slating the informant is said to have taken place inside the house of the appellant and not in public view, hence no offence under Section SC/ST Act is made out against the appellants. Barring one case lodged against the appellant no.1 by the informant. 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, Madhubani in connection with Jaynagar P.S. Case No. 34 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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