

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2631 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- DESARI District- Vaishali

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MITHILESH RAI Son of Ram Pravesh Rai Resident of Village -
Bhikhanpura, P.S.- Desari (Chandpura O.P.), Dist.- Vaishali.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 24-07-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 16.04.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Vaishali at
Hajipur in connection with Desari P.S. Case No. 81 of 2019
registered under Sections 147, 148, 149, 153 B, 379, 307, 354,
427, 447, 448, 452, 504 & 506 of the Indian Penal Code and
Section 3(1) (r) (s) (w)/ 3 (2) (v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



Over warning to grandson of Khowari Rai for plying the scooty rashly by Dinesh Ram, he slated him and arrived the village of the informant along with 25 named and 100 unnamed accused persons. All the accused persons assaulted the villagers broke open the door of their houses, asbestos sheets, damaged the vehicle and assaulted them in which informant and four other persons sustained injury. They also slated him in the name of his caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. There is case and counter case between the parties and the case of the appellant is of earlier one. The allegation of slating the informant is not specific rather general and omnibus in nature. There were about 125 persons at the place of occurrence but the informant has not specifically stated that as to who slated him in the name of his caste. Both sides have sustained injury in the occurrence. Appellant has 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 appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be released 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 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Desari P.S. Case No. 81 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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