

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2694 of 2019

Arising Out of PS. Case No.-6 Year-2018 Thana- MAHKAR District- Gaya

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1. DHANANJAY KUMAR @ CHUNCHUN SINGH Son of Shri Ashish Singh Resident of Village and P.O.- Nali, P.S.- Mahkar, District- Gaya.
 2. Ranjay Kumar @ Sonu Singh Son of Sri Ashish Singh Resident of Village and P.O.- Nali, P.S.- Mahkar, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivendra Shankar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 30-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 05.04.2019 passed by learned Special Judge SC/ST (POA) Act, Gaya in connection with Mahkar P.S. Case No. 06 of 2018, registered under Sections 341, 323,447, 384/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) (V) (a) 10 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants are said to have encroached the land of the informant by breaking its ridge two years back and on protest made by him they slated in the name of his caste and became adamant to assault.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case at the instance of their enemies. The appellants happen to be resident of different village and they have no land adjacent to the land of the informant, hence no question of encroaching land of the informant by breaking its ridge by the appellants arises. Time of occurrence has not been mentioned in the written report. As per written report appellants had encroached the land of the informant two years back and became adamant to assault and slated in the name of his caste, on protest made by the informant regarding encroachment of his land by the appellants. Said aspect of case indicates that the offence took place two years back. Informant has not assigned any plausible explanation for the said delay in lodging F.I.R which creates serious doubt about the prosecution case. Allegation of slating in the name of his caste levelled against the appellants is not specific rather general and



omnibus in nature. They have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 (POA) Act, Gaya, in connection with Mahkar P.S. Case No. 06 of 2018, 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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