

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2633 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. USHA DEVI W/o Devanand Sah Resident of Village-Bela Chhapra, P.S.-Bela, District-Muzaffarpur.
 2. Prince Kumar @ Prince Son of Devanand Sah Resident of Village-Bela Chhapra, P.S.-Bela, District-Muzaffarpur.
 3. Priyanka Kumari @ Pooja Kumari Daughter of Devanand Sah Resident of Village-Bela Chhapra, P.S.-Bela, District-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Meena Devi W/o Late Vishwanath Chaudhary Resident of Village-Bela Chhapra Ward No.49, P.S.-Bela, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 31-07-2019 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 30.5.2019 passed by learned 11th Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Complaint Case No. 64 of



2018, registered under Sections 341, 323, 354, 380, 379 of the Indian Penal Code and also under Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the son of the complainant was passing through the passage located in front of the house of the appellants, ten named accused persons including the appellants slated him in the name of his caste and assaulted him. On protest made by him on exhortation of the appellant No.3 other named accused persons including appellants No. 1 and 2 and some unknown miscreants arrived there and brutally assaulted his son. When the Gotani of the complainant and her niece rushed in his rescue they also assaulted them slating in the name of their caste and also looted away cash, jewellery and utensils etc. intruding into the house of the complainant.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, Priyanka Kumari @ Pooja Kumari has lodged a case bearing Bela P.S. Case No. 16 of 2018 against the son of complainant preceding to the aforesaid occurrence and due to the aforesaid reason complainant has lodged this complaint case against the appellants and others with altogether false and concocted allegation due to malice. The



allegation levelled against the appellants is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence. 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 11th Additional District & Sessions Judge-cum- Special Judge SC/ST (POA) Act, Muzaffarpur, in connection with Complaint Case No. 64 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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