

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2666 of 2019

Arising Out of PS. Case No.-185 Year-2017 Thana- MAHKAR District- Gaya

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1. SHIVDHAR PRASAD S/o Basudeo Prasad R/o Village- Naili, P.S.- Mahkar, District- Gaya
 2. Dhirendra Kumar S/o Vilash Prasad @ Ram Bilash Prasad R/o village- Naili, P.S.- Mahkar, District- Gaya

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 06-08-2019 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 bail vide order dated 11.06.2019 by Special Judge SC/ST Act, Gaya in connection with Mahkar P.S. Case No. 185 of 2017 registered under Sections 302 and 34 of the Indian Penal Code and Section 3(1) (r) (s) (x) (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the father of the informant was regressing



to his house from his duty, five accused persons including the appellants slated and assaulted him due to which he succumbed to injury during the course of treatment.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics and animosity. As a matter of fact, the deceased was having illicit relation with the wife of Ashok Mahto and he was caught when he paid his visit to the house of Ashok Mahto but any how he managed to escape and sustained injury during the course of escaping which his reflected in paragraph-12 of the case diary and also from other paragraphs as is also found by the coordinate Bench of this Court while granting bail to Bipul Kumar and another vide order dated 08.01.2019 passed in Cr. Appeal (SJ) No.3756 of 2018. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate delay of 15 days in lodging the F.I.R. without assigning any plausible explanation for the same. Appellants have no criminal antecedent and have been languishing in custody since 11.06.2019.

Learned Spl. PP 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 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 Special Judge SC/ST Act, Gaya in connection with Mahkar P.S. Case No. 185 of 2017.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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