

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2863 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. Bhawesh Kumar @ Bahvesh Kumar Son of Rajbali Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
2. Manju Devi second Wife of Rajbali Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
3. Rajbali Singh Son of Late Ayodhi Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
5. Golu Kumar Son of Rajbali Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
6. Chhoti Kumari D/o- Rajbali Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
7. Shila Devi Wife of Bhawesh Kumar @ Bahavesh Kumar Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
8. Umesh Singh Son of Mahendra Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
9. Sonu Singh@Sonu Kumar Son of Mahesh Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.
10. Maya Devi First wife of Rajbali Singh Resident of Mohalla- Rajnagar, P.S.- K. Hat, District- Purnea.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 29-08-2019 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 07.05.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnea in connection with Special Case No.27 of 2019, arising out of K. Hat P.S. Case No.120 of 2019 registered under Sections 147, 148, 149, 341, 323, 427 and 354 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with 4 named and 15 unnamed accused persons are said to have descended at the banquet hall of the informant and damaged the furniture etc. worth Rs.6 lakhs, assaulted the staff and when the informant rushed there they also slated her in the name of caste and shoved her and when she tried to escape appellants Ravish Kumar and Golu Kumar pulled her saree.

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. As a matter of fact, informant happens to be aunt of appellant no.1 and she performed inter-caste marriage with one Bimal Kumar Paswan whereupon the father of appellant no.1 gave land to the said Bimal Kumar Paswan for doing business and,



later on, on demanding back the said land by the appellants informant has lodged several cases including the case under hand against them on false and frivolous allegations to harass them and to mount pressure upon them to leave their claim on the land given to him by the father of appellant no.1. Earlier to the case under hand, appellant no.2 has lodged K. Hat P.S. Case No.609 of 2011 against the husband of the informant and others for resorting firing upon appellant no.1 by her husband. The allegation levelled against the appellants is not specific rather general and omnibus in nature.

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 cum Special Judge SC/ST Act, Purnea in connection with Special SC/ST Case No.27 of 2019, arising out of K. Hat P.S. Case No.120 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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