

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2703 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- SC/ST District- Bhojpur

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NIRAJ SINGH @ DON @ NIRAJ KUMAR SINGH S/o Mithalesh Singh @
Mithilesh Kumar Singh Resident of Village- Ramshahar, P.S.- Barhara,
District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajani Ranjan Pd. Singh
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 13-09-2019 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 24.05.2019 passed by learned 1st Additional
Sessions Judge cum Special Judge, Bhojpur at Ara in connection
with SC/ST Case No. 45 of 2019, arising out of SC/ST P.S.
Case No.08 of 2019 registered under Sections 147, 149, 448,
341, 323, 324, 354, 506, 504, 307 & 379/34 of the Indian Penal
Code and Section 3(1) (r) (s) (w) (x) (s) 3 (2) (va) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was taking bath at the house of her gotani, seven named accused persons including the appellant started passing gross comment upon her and on protest made by her they intruded into hut and assaulted & slated her in the name of caste. Co-accused Abhimanyu Singh resorted firing. Thereafter they called upon their six other named accomplices and some of them assaulted some persons by means of rod etc. and made them injured.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case merely because he happens to be owner of the boring on which other accused persons were taking bath. The only allegation against the appellant is of passing the indecent comment and assaulting and slating the informant intruding into her house along with other accused persons. Informant has not sustained any injury. The alleged slating is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Allegation levelled against the appellant is not specific rather general and omnibus



in nature. 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, Bhojpur at Ara in connection with SC/ST Case No. 45 of 2019, arising out of SC/ST P.S. Case No.08 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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