

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2688 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- MASAUDHI District- Patna

Chhote Singh @ Raj Mohan Singh Son of Deo Krishn Singh Resident of
Village- Bhagwanpur, P.S.- Masaurhi, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Nandan Pandit
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

5 13-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 20.02.2019 passed by learned Special Judge,
SC/ST Act, Patna in Masaurhi P.S. Case No. 3 of 2019
registered under Sections 341, 323, 447, 504, 506, 354, 307/34
of the Indian Penal Code, Section 27 of the Arms Act and
Section 3(i)(x)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant along with one named and four unknown
miscreants descending at the house of the informant on three



motorcycles started slating the informant in the name of his caste over relishing bonfire at his door in the night creating hindrance in passing on the road. On protest made by the informant, they tried to enter into his house, and on making alarm, appellant and Dilip Pandey resorted firing, but he left unhurt. Then all the accused persons left the scene leaving one of the motorcycles on the spot, which was damaged by the villagers. Police also recovered one live cartridge at the place of occurrence.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any firearm injury or any sort of injury in the occurrence. Slating the informant in the name of his caste is said to have been made in the night in the village, hence, it cannot be said to have been made in the public view, hence, no offence under SC/ST Act is made out against the appellant.

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

In the facts and circumstances of the case, let the



above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in Masaurhi P.S. Case No. 3 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

