

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2699 of 2019

Arising Out of PS. Case No.-161 Year-2018 Thana- KARPI District- Jehanabad

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1. AWADHESH SHARMA Son of Late Jayshree Sharma Resident of Village- Sahar Telpa, P.S.- Karpi, District- Arwal.
 2. Punyadeo Singh Son of Late Sakaldeo Singh Resident of Village-Basatad, P.S.-Karpi, District-Arwal.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 01-08-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.6.2019 passed by learned 1st Additional Sessions Judge, Jehanabad in connection with Karpi (Sahar Telpa) P.S. Case No. 161 of 2018, registered under Sections 147, 149, 341,, 342, 435, 427, 504, 506, 283, 353, 109, 447, 187, 188, 120 (b) of the Indian Penal Code and also under Section 3 (i) (r) (s), 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

15 named accused persons including the appellants and 150-200 unknown miscreants blocked the road keeping the dead body on the road. When the informant along with police force came to the aforesaid place and tried to pacify the matter they became aggressive and raised anti administrative slogan and slated the informant in the name of his caste and became adamant to assault.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. Moreover, there is no allegation of slating the informant in the specific name of his caste against the appellants, hence, no offence under SC/ST Act is made out against the appellants. They happen to be member of the mob. Similarly situated co-accused namely Mukul Kumar and Pintu Kumar @ Pintu Kumar Sharma have been enlarged on anticipatory bail by a co-ordinate Bench of this Court passed in Criminal Appeal (SJ) No. 529 of 2019 vide order dated 14.02.2019. 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 1st Additional District & Sessions Judge, Jehanabad in connection with Karpi (Sahar Telpa) P.S. Case No. 161 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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