

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2690 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- SINDHWARA District- Darbhanga

TEJ NARAIN THAKUR Son of Late Yugeshwar Thakur Resident of Village-
Rampura, Mirzapur, Jagti, P.S.- Singhwara, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 01-08-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 14.05.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Darbhanga in connection with Singhwara P.S. Case No.116 of 2018, registered under Sections 379, 504/34 of the Indian Penal Code and also under Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant and co-accused Bhushan Thakur is said to



have sold out the tree of Jilebi standing on the land of the informant to Mithlesh Sharma and said Mithlesh Sharma felled down the aforesaid trees and took away the same worth Rs. 50,000/-. On protest made by the informant they slated him and became adamant to assault.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. As a matter of fact, the land in question belong to the appellant and the appellant has sold out the aforesaid trees to Mithlesh Sharma who has taken away the same. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Moreover, there is no allegation of slating the informant in the name of his caste against the appellant, hence, no offence under SC/ST Act is made out against the appellant. He has 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 appellant is directed to be enlarged on bail in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in connection with Singhwara P.S. Case No. 116 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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