

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2760 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SC/ST District- Lakhisarai

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1. SANTOSH RAM Son of Shriram Ram Resident of Village - Lalpur, P.S.- Halsi, District- Lakhisarai
 2. Hareram Ram Son of Medni Ram Resident of Village - Lalpur, P.S.- Halsi, District- Lakhisarai
 3. Mohan Ram Son of Kameshwar Ram @ Kamleshwar Ram @ Chandrabanshi Resident of Village - Lalpur, P.S.- Halsi, District- Lakhisarai
 4. Vinod Ram Son of Guleshwar Ram Resident of Village - Lalpur, P.S.- Halsi, District- Lakhisarai
 5. Kamleshwar Ram @ Kameshwar Ram Son of Late Paro Ram Resident of Village - Lalpur, P.S.- Halsi, District- Lakhisarai

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 13-09-2019 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 11.04.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No.05 of 2019 (SC/ST Case



No.08 of 2019) registered under Sections 341, 323, 504, 506 & 379/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was regressing to his house on motorcycle by vending the paddy at 9 PM, on the way appellants intercepted him and snatched the sale proceeds of paddy worth Rs.19,500.00 and his mobile assaulting and slating him in the name of caste.

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 they did not provide the paddy to the informant for vending the same. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The occurrence is of the village in the night hence slating in the name of caste cannot be said to have been made in public view, hence no offence under Section SC/ST Act is made out against the appellants. Moreover, appellants also happen to be members of the scheduled caste community. Allegation of theft is super addition. Appellants have 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 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, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No.05 of 2019 (SC/ST 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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