

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2855 of 2019

Arising Out of PS. Case No.-2 Year-2018 Thana- SC/ST District- Sheikhpura

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1. Prasant Kumar @ Chunu, Son of Late Krishna Nandan Prasad, Resident of Village- Belao, P.S.- Barbigha, Distt - Sheikhpura.
 2. Shushant Kumar @ Munnu @ Shushant Patel, Son of Late Krishna Nandan Prasad, Resident of Village -Belao, P.S.- Barbigha, Distt - Sheikhpura.

... .. Appellants

Versus

The State of Bihar

... .. Respondents

Appearance :

For the Appellant/s : Mr. Satyendra Narayan Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 06-09-2019 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 26.10.2018 passed by learned Additional Sessions Judge-I, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No.02 of 2018 registered under Sections 341, 323, 379, 384, 504, 506/34 of the Indian Penal Code and Section 3(2)(va), 3(R)(S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants arriving at the house of informant to give water connection, demanded Rs. 2000/- and on protest made by the informant they slated him in the name of his caste. Thereafter they took him in their house and slated him in the name of his caste and one Mrityunjay assaulted him by means of pistol and also snatched his mobile phone.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the informant was entitled only one water connection but he mounted pressure upon the appellants to give him two water connection and on refusal to oblige him filed this false and frivolous case against them. Allegation of assault is attributed to Mrityunjay and said accused has not been sent up for trial by the police. The occurrence of slating the informant in the name of his caste is said to have been made in the house of the appellants and not made in the public view. Hence, no offence under Section SC/ST Act is made out against the appellants. 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 released 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 Additional Sessions Judge-I, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No.02 of 2018, 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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