

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2820 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- SAHPUR District- Patna

1. Govinda Ray @ Govinda S/o Late Rajgir Ray Resident of Village- Habaspur, P.S.- Sahpur, District- Patna
2. Tipan Ray S/o Hulas Ray Resident of Village- Habaspur, P.S.- Sahpur, District- Patna
3. Kedar Ray S/o Hulas Ray Resident of Village- Habaspur, P.S.- Sahpur, District- Patna
4. Biral Ray S/o Tetar Ray Resident of Village- Habaspur, P.S.- Sahpur, District- Patna
5. Ramreet Ray S/o Shivajee Ray Resident of Village- Habaspur, P.S.- Sahpur, District- Patna
6. Bishwanath Ray S/o Late Rajgir Ray Resident of Village- Habaspur, P.S.- Sahpur, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 05-08-2019 Heard learned counsel for the appellants 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 10.04.2019 passed by learned Addl. Sessions Judge VIII cum Special Judge, SC/ST Act, Patna in Shahpur P.S. Case No. 348 of 2018 registered under Sections 147, 341,



323, 504, 379, 307 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant had gone to Patlapur market to fetch some articles from the grocery shop, 16 named accused persons and 20 unnamed miscreants are said to have snatched Rs. 3800/- from his pocket and slated him in the name of his caste and badly assaulted him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case merely because the appellant no. 2 had given information regarding some occurrence committed against him by the prosecution party at the P.S. earlier to the case under hand. Brother of the informant has also lodged case against the appellants and others in order to harass them. Informant has not sustained injury in the occurrence. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There were around 36 persons present at the place of occurrence, but the informant has not stated in specific as to who slated him in the name of his caste. Appellants have no criminal antecedent barring the case lodged against them by the brother of the informant.



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

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VIII cum Special Judge, SC/ST Act, Patna in connection with Shahpur P.S. Case No. 348 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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