

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2796 of 2019**

Arising Out of PS. Case No.-120 Year-2019 Thana- BIHTA District- Patna

NETAJI VIKLANG @ ANIL KUMAR Son of Shiv Pujan Rai Resident of
Village - Milkipar, P.S.- Bihta, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ganesh Prasad Yadav
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

3 13-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 12.04.2019 passed by learned Special Judge, SC/ST Act,
Patna in Bihta P.S. Case No. 120 of 2019 registered under
Sections 341, 323, 324, 354(A) and 448/34 of the Indian Penal
Code and Section 3(i)(r)(s)/(w)(i) of the SC/ST Act.

Appellant along with three named and two unknown
miscreants are said to have intruded into the house of the
informant and assaulted her, her husband and cousin by means
of lathi slating the informant in the name of her caste. Co-
accused Lalu Kumar assaulted on the left wrist of the informant
by means of knife.



It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of her caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant happens to be 70% handicapped owing to Polio in his leg. Barring sustaining knife injury on the hand of the informant, informant and others have not sustained any other injury in the occurrence and said injury is not attributed to the appellant. Appellant has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Bihta P.S. Case No. 120 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
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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