

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2849 of 2019

Arising Out of PS. Case No.-374 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. SAURAV KUMAR @ SAURAV KUAMR S/O Jaipal Bhagat Resident of Village- Lashkaripur P.S.- Kanti, District- Muzaffarpur.
 2. Jaipal Bhagat S/O Late Nathuni Bhagat Resident of Village Lashkaripur P.S. Kanti, District- Muzaffarpur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 07-08-2019 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 bail vide order dated 17.06.2019 passed by learned 11th Additional Sessions Judge cum Special Judge SC/ST Act, Muzaffarpur in connection with Kanti P.S. Case No. 374 of 2019 registered under Sections 341, 323, 325, 307 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

When the informant and his family members intervened the quarrel between the appellants and two other named accused persons they assaulted the informant, his brother and sister-in-law by means of lathi and rod slating the informant in the name of his caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellants have been falsely implicated in the case as the brother of the appellant no.1, namely, Kundan Kumar had taken the orchard of Lichi and he had refused to oblige the informant to accord him Lichi free of cost. None has sustained injury in the occurrence. Appellants have no criminal antecedent and have been languishing in custody since 27.05.2019.

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

In the facts and circumstances of the case, the above named appellants are directed to 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 11th Additional Sessions Judge cum
Special Judge SC/ST Act, Muzaffarpur in connection with
Kanti P.S. Case No. 374 of 2019.

Accordingly, the impugned order is set aside and this
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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