

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2929 of 2019

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

1. Dharmendra Rai Son of Basudeo Rai @ Basdeo Rai Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran.
2. Manager Rai Son of Basudeo Rai @ Basdeo Rai Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran.
3. Mahendra Rai Son of Basudeo Rai @ Basdeo Rai Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran.
4. Rambabu Rai Son of Pancchi Rai Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran.
5. Navratan Rai Son of Pancchi Rai Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran.
6. Rama Shankar Rai @ Ram Shankar Rai Son of Pancchi Rai Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran.
7. Basudeo Rai @ Basdeo Rai Son of Late Shukhari Rai Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran.
8. Arun Parashar @ Babloo Son of Harendra Singh Resident of Mohalla- West of Silpi Cinema Hall Chock, P.S.- Chapra Town, District- Saran.
9. Harendra Singh @ Harendra Prasad Singh Son of Late Saryug Prasad Singh Resident of Mohalla- West of Silpi Cinema Hall Chock, P.S.- Chapra Town, District- Saran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Roy
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 18-09-2019 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 28.03.2019 passed by learned 1st Additional Sessions Judge, Saran in connection with Saran SC/ST P.S. Case No.5 of 2019 registered under Sections 323, 341, 354 B & 504/34 of the Indian Penal Code and Section 3(1)(r) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On laying foundation of the school on the land of the informant by the appellants with the help of labourers, when the informant made protest, the appellants slated her in the name of caste. They also assaulted her by means of shoe, sleeper & slap and shoved her on the ground.

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 appellant no.8-Arun Parashar @ Babloo and appellant no.9-Harendra Singh @ Harendra Prasad Singh are the husband and father-in-law respectively of the Principal of the school and other appellants are villagers. The construction of the government school was going on the land in question but the informant



created hindrance in construction of the school claiming encroachment over her land by the appellants. As the school is government school and building is government building, the appellants have no personal interest in construction of the said building. The entire allegation levelled against the appellants is made only with an intent to mount pressure upon them to stop the construction of the government school on the land in question. Informant and her husband are in habit of filing cases against the villagers and the appellants, as such they have filed altogether ten cases against them. Barring the informant and her husband none of the witnesses have supported the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature.

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, Saran in connection with Saran SC/ST P.S.



Case No.5 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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