

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3114 of 2018

Arising Out of PS. Case No.-252 Year-2018 Thana- AGAMKUAN District- Patna

1. Monu Kumar @ Monu Yadav.
2. Sonu Kumar alias Sonu Yadav Both are sons of Late Munder Yadav R/o Village - Kumhrar, Gwala Toli, Mahavir Sthan, P.S. Agamkuan, District/Town - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan (Spl. P.P.)

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

7 28-06-2019 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 referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 30.05.2018 passed by learned Special Judge SC & ST-cum-Additional Sessions Judge-V, Patna in connection with Agamkuan P.S. Case No.252 of 2018 registered under Sections 341, 448, 506 and 323 of the Indian Penal Code and Section 3(1) (x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants are said to have intruded into the house of the informant and slated her in the name of caste. In the meantime his son arrived there fetching the milk. They also abused and assaulted him and on her intervention she was also assaulted by them.

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 due to grudge. The allegation levelled against the appellants are not specific rather general and omnibus in nature. As a matter of fact, the daughter of the appellants passes through the door of the informant to her school and son of the informant passes lewd remark on her and when the appellants approached the informant to make complain they have been falsely implicated in the case by setting altogether false and concocted story. No one has sustained injury in the occurrence. The slating of informant took place inside the house and not in a public view, hence no offence under 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 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 Special Judge SC & ST-cum-Additional Sessions Judge-V, Patna in connection with Agamkuan P.S. Case No.252 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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