

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2960 of 2019

Arising Out of PS. Case No.-333 Year-2017 Thana- WAJIRGANJ District- Gaya

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1. Parmanand Kumar S/o Ishwari Mahto R/o village- Makhdumpur, P.S.- Wazirganj, District- Gaya
 2. Rajesh Kumar @ Rajesh Kumar Ranjan S/o Ishwari Mahto R/o village- Makhdumpur, P.S.- Wazirganj, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 29-08-2019 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 11.06.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in Wazirganj P.S. Case No. 333 of 2017 registered under Sections 379, 504/34 the Indian Penal Code and Sections 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have felled the Gullar tree standing on the ridge of the field of the informant and when the



informant approached appellant Parmanand Kumar, he slated him in the name of his caste and became adamant to assault.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. The tree was not standing on the land of the informant rather on the ridge and the same was felled under MGNREGA scheme. Informant has not stated as to where and before whom he was slated in the name of his caste by the appellant Parmanand Kumar and there is no FIR named witness of the occurrence, hence, no offence under SC/ST Act is made out against the appellants. After investigation of the case, police has submitted final form.

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 Exclusive Special Judge, SC/ST, Gaya in connection with Wazirganj P.S. Case No.



333 of 2017, 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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