

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2840 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Nalanda

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1. Pramod Pal Son of Late Ram Jatan Pal Resident of Village- Maksudpur (Masuspur), Chamarbigha, P.S- Islampur, District- Nalanda.
 2. Ramadhin Pal Son of Late Sunder Pal Resident of Village-Maksudpur (Masuspur), Chamarbigha, P.S-Islampur, District-Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 13-08-2019 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 02.05.2019 passed by learned 1st Addl. Sessions Judge Nalanda at Biharsharif in SC/ST P.S. Case No. 10 of 2019 registered under Sections 341, 323, 307, 354, 504(A)/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant had gone to public hand pump to fetch water, appellants slated the informant in the name of her



caste and on exhortation of appellant Ramadhin, appellant Pramod assaulted on the head of the informant by means of rod inflicting head injury to her. When Sudha Devi rushed in her rescue, Ramadhin assaulted on her head by means of rod and when the husband of the informant rushed in her rescue, they also assaulted them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to animosity. The injury sustained by the victims is simple in nature. There is case and counter case between the parties and persons of the appellants side have sustained grievous injury in the occurrence. Appellants have no criminal antecedent, hence, they may be enlarged on bail.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellants submitted that besides assaulting the informant, her husband and one another lady, the appellants have also slated the informant in the name of her caste in the public view while she had gone to fetch water from the public hand pump, hence, offence under SC/ST Act is made out against them and anticipatory bail is barred by Section 18 of the said Act.



Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, their prayer is rejected.

However, appellants are directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of their surrender in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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