

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2994 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- UPHARA District- Aurangabad

1. RANVIJAY PASWAN @ RANVIJAY Son of Rajendra Prasad Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
2. Nitish Kumar Son of Birendra Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
3. Bhola Paswan Son of Yugal Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
4. Anand Kumar Son of Narendra Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
5. Gajesh Kumar Son of Yugal Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
6. Vikash Kumar @ Vikash Paswan Son of Rajendra Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
7. Ajay Kumar Son of Birendra Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
8. Rajendra Paswan Son of Late Ram Swaroop Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
9. Anurag Paswan Son of Narendra Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.
10. Birendra Paswan @ Birendra Kumar Son of Late Denathi Paswan Resident of Village-Bela, P.S.-Uphara, District-Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Leelawati Kumari
For the Respondent/s : Mr.Binay Krishna

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 30.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in Uphara P.S. Case No. 20 of 2019 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

At the instance of Mukhiya Md. Akhiyar Khan and according arms by him, all the F.I.R. named accused persons including the appellants started slating Dhiraj Kumar near the stage in the Bisque fair. When Ranjeet Paswan rushed in his rescue, co-accused Subhash Yadav resorted firing upon Dhiraj Kumar, but he left unhurt. Thereafter appellants Ranvijay Paswan, Bhola Paswan, Nitish Kumar and Gajesh Kumar also resorted firing.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in this case merely because they happen to be supporter of Md. Akhiyar Khan, who was candidate for Mukhiya and his rival was Indradeo Yadav, who is very familiar to the informant and said Indradeo Yadav to take revenge lodged this false and frivolous case against the



appellants through the informant. Allegation of slating Dhiraj Kumar levelled against the appellants is not specific rather general and omnibus in nature. Moreover, appellants are not said to have slated him in the specific name of his caste. None has sustained injury in the occurrence. Appellants happen to be member of the SC community, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Subhash Yadav has been enlarged on anticipatory bail by this court vide order dated 19.07.2019 passed in Cr. Misc. No. 2871 of 2019.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in connection with Uphara P.S. Case No. 20 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
appeal is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

