

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3001 of 2019

Arising Out of PS. Case No.-85 Year-2017 Thana- SC/ST District- Purnia

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1. RAJ KISHORE JAISWAL Son of Late Bindeshwari Bhagat Resident of Village - Birouli, P.S.- Rupouli, District- Purnea
 2. Sanjay Jaiswal Son of Late Bindeshwari Bhagat Resident of Village - Birouli, P.S.- Rupouli, District- Purnea
 3. Manoj Jaiswal Son of Late Bindeshwari Bhagat Resident of Village - Birouli, P.S.- Rupouli, District- Purnea

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Mallick
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 07-11-2019 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 29.04.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnea in connection with SC/ST Case No.85 of 2017 registered under Sections 452, 323 and 354 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Appellants are said to have taken forcible possession of the land of the informant and on the date of occurrence appellants arriving at the house of the informant assaulted her by means of leg and fists and slated in the name of caste. When her husband, son and neighbours rushed in her, rescue responding hulla made by her, they also slated her in the name of caste before them.

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 the case due to land dispute. Since before the case under hand, Case No.505 M/98 is pending between the parties in the Court of SDO, Dhamdaha regarding the property in question. None has sustained injury in the occurrence. There is inordinate and abnormal delay of one month and fifteen days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. 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, 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 cum Special Judge SC/ST Act, Purnea in connection with SC/ST Case No.85 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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