

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3023 of 2019**

Arising Out of PS. Case No.-253 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. Manoj Kumar @ Manoj Thakur S/o Late Dev Nath Thakur R/o Village- Balwa Kuari, P.S.- Sadar Hajipur, District- Vaishali, Bihar
2. Rajesh Thakur S/o Sh. Manoj Thakur R/o village- Balwa Kuari, P.S.- Sadar Hajipur, District- Vaishali, Bihar
3. Raudhan Thakur @ Raushan Thakur S/o Sh. Manoj Thakur R/o village- Balwa Kuari, P.S.- Sadar Hajipur, District- Vaishali, Bihar

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anish Kumar
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 15-11-2019 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 10.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 253 of 2019 registered under Sections 447, 341, 323, 324, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants arriving at the house of the informant slated and assaulted her and her daughter over row of trimming hair and snatched ornaments of the informant and tore attire of her daughter.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, some altercation took place between the parties over trimming hair of son of the informant on priority basis and due to said altercation, the informant has lodged this false and frivolous case against the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slatting the informant in the name of her caste is said to have been made at the house of the informant and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. There has been delay of three days in lodging the FIR without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent.

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 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 253 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)

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