

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3028 of 2019**

Arising Out of PS. Case No.-13 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

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RAUSHAN KUMAR Son of Ram Pravesh Rai Resident of Village - Tetarpur,
P.S.- Mohaddinagar, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Choudhary Shyam Nandan
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 05-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 07.11.2017 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Samastipur in Mohiuddin Nagar P.S. Case
No. 13 of 2019 registered under Sections 341, 323, 504, 347 and
506/34 of the Indian Penal Code and Section 3(1)(r) and 3(1)(s)
of the SC/ST Act.

Co-accused Sukhdeo Ray took the informant at his
house on pretext of watering his field where four accused
persons including the appellant slated him in the name of his
caste and locked him in the house and also extended threatening



to gun down his son.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in the case on filing a case regarding demand of graft of Rs. 50,000/- by the informant from the bhabhi of the appellant for giving her appointment letter who has been selected as Anganwari Sevika. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Slating the informant is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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

Having regard to 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 the learned 1st Addl. Sessions Judge, Samastipur in connection with Mohiuddin P.S. Case No.



13 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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