

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2996 of 2019

Arising Out of PS. Case No.-44 Year-2018 Thana- AKILPUR District- Saran

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1. Jay Nandan Ray Son of Bishwanath Ray Resident of Village - Habaspur, P.S.- Sahpur, District - Patna.
 2. Govinda Ray @ Govinda Son of Late Rajgir Ray Resident of Village - Habaspur, P.S.- Sahpur, District - Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 14-08-2019 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 05.03.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Akilpur P.S. Case No. 44 of 2018 registered under Sections 323, 341, 337, 338, 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.

19 accused persons including the appellants are



said to have arrived at the door of the informant and slated the informant and others in the name of their caste, assaulted them, snatched the jewelery of the family members of the informant and took away the pulsar motorcycle.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to animosity. As a matter of fact, co-accused Tippan Roy has given information to the P.S.regarding the occurrence committed by the nephew of the informant on 06.11.2018 and being peeved with the same the informant has lodged this false and frivolous case against the appellants and other accused persons. The informant has also got lodged another case against the appellants through his brother. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The allegation of theft is super addition. Similarly situated co-accused persons Kedar Rai and others have been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 21.05.2019 passed in Cr. Appeal (SJ) No.1610 of 2019.

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, Saran at Chapra in connection with Akilpur P.S. Case No. 44 of 2018, 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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