

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3055 of 2019

Arising Out of PS. Case No.-160 Year-2018 Thana- MAHNAR District- Vaishali

1. SANTOSH KUMAR SINGH Son of Bindeshwar Prasad Singh Resident of Village - Lawapur, P.S.- Mahnar, District- Vaishali
2. Sanjeev Kumar Singh Son of Bindeshwar Prasad Singh Resident of Village - Lawapur, P.S.- Mahnar, District- Vaishali
3. Rajan Singh Son of Bindeshwar Prasad Singh Resident of Village - Lawapur, P.S.- Mahnar, District- Vaishali
4. Vinod Kumar Singh @ Ram Vinod Singh Son of Ganesh Prasad Singh Resident of Village - Lawapur, P.S.- Mahnar, District- Vaishali
5. Pramod Kumar Singh Son of Ganesh Prasad Singh Resident of Village - Lawapur, P.S.- Mahnar, District- Vaishali
6. Amod Kumar Singh @ Kamod Kumar Singh Son of Ganesh Prasad Singh Resident of Village - Lawapur, P.S.- Mahnar, District- Vaishali
7. Subodh Kumar Singh Son of Ganesh Prasad Singh Resident of Village - Lawapur, P.S.- Mahnar, District- Vaishali

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 29-07-2019 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 13.06.2019 passed by learned Additional



Sessions Judge-I-cum Special Judge SC/ST Act, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 160 of 2018 registered under Sections 341, 323, 354 A, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was proceeding to the doctor along with her grandson for his treatment eight accused persons including the appellants intercepted her and slated her in the name of her caste over following the passage by her and on the exhortation of co-accused Bindeshwar Prasad Singh all the accused persons started assaulting her and her daughter-in-law shoving her on the ground by means of legs and fists and Pramod Kumar Singh took Rs.2000/- from the blouse of her daughter-in-law.

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 dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, there is a dispute of passage between the informant and the appellant and the informant has been using the



passage through the land of the appellants despite their protest. Earlier to the case under hand regarding the said passage a writ petition was filed in this Court and on the admission of the prosecution party the Court directed the C.O. and the S.H.O. to ensure demarcation of the land of the appellants. Moreover earlier to the case under hand accused Pramod Kuamr Singh had lodged Mahnar P.S. Case No.159 of 2018 against the son of the informant and others and after the aforesaid case the informant has lodged this false and frivolous case against the appellants to save skin from the aforesaid cases. The allegation of assaulting the informant is not specific rather general and omnibus in nature. 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 Additional Sessions Judge-I-cum Special Judge SC/ST Act, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 160 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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