

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3010 of 2019

Arising Out of PS. Case No.-49 Year-2017 Thana- SC/ST District- Rohtas

1. Ram Bachan Singh Son of Late Paltu Singh Resident of Village- Khutaha, P.S.- Nashriganj, District- Rohtas.
2. Kameshwar Singh Son of Ram Ekbal Singh Resident of Village-Khutaha, P.S.-Nashriganj, District-Rohtas.
3. Ram Ekbal Singh Son of Late Deoki Singh Resident of Village-Khutaha, P.S.-Nashriganj, District-Rohtas.
4. Hare Ram Singh Son of Harihar Singh Resident of Village-Khutaha, P.S.- Nashriganj, District-Rohtas.
5. Dharmendra Kumar Singh Son of Ram Dular Singh Resident of Village- Khutaha, P.S.-Nashriganj, District-Rohtas.
6. Ram Awadhesh Singh Son of Late Ram Janam Singh Resident of Village- Khutaha, P.S.-Nashriganj, District-Rohtas.
7. Anil Kumar Singh @ Bablu Singh Son of Ram Pravesh Singh Resident of Village-Khutaha, P.S.-Nashriganj, District-Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Pd. Singh, Sr. Adv.
For the Respondent/s : Mr. Sadanand Paswan. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 25-07-2019 Learned counsel for the appellants seeks permission to withdraw this appeal on behalf of the appellant nos. 4 (Hare Ram Singh) and 6 (Ram Awadhesh Singh) submitting that they have been arrested during pendency of this appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of the appellant nos. 4 and 6.



Heard learned counsel appearing on behalf of the appellant nos. 1, 2, 3, 5 and 7 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 30.04.2019 passed by learned 1st Addl. Sessions Judge, Rohtas at Sasaram in SC/ST P.S. Case No. 49 of 2017 registered under Sections 147, 149, 341, 323, 337, 379, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with six other accused persons are said to have slated the informant in the name of her caste and assaulted her by means of slap, lathi and brick bat shoving her on the ground while she was proceeding to her field to lay foundation.

It is submitted by learned counsel appearing on behalf of the appellant nos. 1, 2, 3, 5 and 7 that no such occurrence as alleged ever took place. They have been falsely implicated in this case. As a matter of fact, both parties had entered into compromise before the Surpanch on 1.04.2017, but after the aforesaid compromise, the prosecution party is not



honouring the verdict of Panches and the husband of the informant got the aforesaid case lodged through his wife with altogether concocted and false allegation in order to mount pressure upon the appellants to surrender before him and to grab their property. There is inordinate and abnormal delay of 23 days in lodging the FIR without assigning any plausible reason for the same. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. Slating the informant in the name of his caste is said to have been made in the field and not in the public view as as per the FIR itself villagers rushed there responding hulla made by her, hence, no offence under SC/ST Act is made out against the appellants. All the appellants are having no criminal antecedent barring appellant Anil Kumar Singh against whom only one criminal case has been lodged. He is on bail in the said case.

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

In the facts and circumstances of the case, the appellant nos. 1, 2, 3, 5 and 7 are directed to 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, Rohtas at Sasaram in connection with SC/ST P.S. Case No. 49 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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