

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3166 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- NADI P.S. District- Patna

1. SHYAM BABU SAO @ SHYAM BABU PRASAD Son of Late Ram Pratap Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
2. Manish Kumar Son of Shyam Babu Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
3. Sonu Kumar Son of Shyam Babu Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
4. Monu Kumar Son of Shyam Babu Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
5. Ram Babu Sao @ Ram Babu Prasad Son of Late Ram Pratap Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
6. Amit Kumar Son of Ram Babu Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
7. Pankaj Kumar Son of Ram Babu Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
8. Raushan Kumar Son of Sri Ajay Kumar Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.
9. Ajay Kumar @ Ajay Prasad Son of Late Ram Pratap Sao Resident of Village - Samaspur, P.S.- Nadi, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Mouar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 27.06.2019 passed by learned Special Judge, SC/ST, Patna



in Nadi P.S. Case No. 135 of 2019 registered under Sections 341, 323, 379 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellants Shyam Babu Sao and Ajay Sah @ Tiyai Sao slated the informant in the name of his caste over row of sitting in the temple. Appellant Manish Kumar assaulted on his head inflicting head injury to him. Amit Kumar and Pankaj Kumar slapped him while Raushan Kumar took out Rs.3000/- from his pocket.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, wife of the appellant Shyam Babu Sao has lodged Nadi P.S. Case No. 134 of 2019 against the informant and others preceding to the case under hand and in order to save skin from the said case informant has lodged this false and frivolous case against the appellants. Informant has not sustained any injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Allegation of theft is super addition. Appellants have 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 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 the learned Special Judge, SC/ST, Patna in connection with Nadi P.S. Case No. 135 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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