

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3111 of 2019

Arising Out of PS. Case No.-431 Year-2018 Thana- SAKRA District- Muzaffarpur

1. Mithlesh Sah Son of Deo Sah Resident of Village- Murliya Chak, Police Station- Sakra, District- Muzaffarpur.
2. Lalan Paswan Son of Jagdish Paswan Resident of Village- Raini, Police Station- Sakra, District- Muzaffarpur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anish Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 31-07-2019 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 17.06.2019 passed by learned 11th Additional Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in connection with Sakra P.S. Case No. 431 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 332, 333, 353, 379, 145, 504 & 506 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act.

On getting information about blockage of the road by some persons putting the dead body of a child on the road, when the informant along with others arrived there and tried to clear the blockage 15 named and 15 unknown miscreants started slating him in the name of his caste and made attack on him, they also snatched mobile and other documents. One Amresh Kumar Chaudhary was leading the mob.

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 assaulting and slating the informant levelled against the appellants is not specific rather general and omnibus in nature. As there were 167 persons at the place of occurrence but the informant has not stated in specific as to who slated him in the name of his caste, hence no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Jittal Pddar @ Awadesh Poddar has been enlarged on bail by a co-ordinate Bench of this Court vide judgment dated 04.02.2019 passed in Cr. Appeal (SJ) No.388 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 11th Additional Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in connection with Sakra P.S. Case No. 431 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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