

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3509 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- MAIGRA District- Gaya

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1. SANTOSH SINGH @ SANTOSH RAM Son of Rambriksh Singh Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 2. Fulan Singh @ Fulan Ram Son of Rambriksh Singh Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 3. Rajendra Singh @ Rajendra Ram Son of Rambriksh Ram Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 4. Saroj Devi Wife of Santosh Singh @ Santosh Ram Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 5. Sugiya Devi Wife of Fulan Singh @ Fulan Ram Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 6. Utima Devi @ Utama Devi @ Utama Devi Wife of Rajendra Singh @ Rajendra Ram Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 7. Sunil Singh Son of Bhikhari Ram Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 8. Archana Kumari Daughter of Santosh Singh @ Santosh Ram Resident of Village- Simari, P.S.- Maigra, District- Gaya.
 9. Renu Kumari Daughter of Fulan Singh @ Fulan Ram Resident of Village- Simari, P.S.- Maigra, District- Gaya.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 30-09-2019

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 02.07.2019 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Maigra P.S. Case No.13 of 2019 registered under Sections 147, 148, 149, 308, 354, 379, 504, 506, 341 and 323 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have descended at the house of the informant on the occasion of holi and appellant Santosh Singh @ Santosh Ram started slating the informant in the name of his caste. When the son of the informant stepping out of house forbade them from slating, all the appellants assaulting him with lathi and rod etc. made him injured. When the informant and his other sons rushed in his rescue, they also assaulted them. They shoved his daughter-in-law on the ground and snatched her golden chain. They also assaulted one Subodh Kumar who intervened the occurrence.

It is submitted by learned counsel for the appellants that the appellants have no concern with the



aforesaid occurrence. As a matter of fact, appellant Santosh Singh @ Santosh Ram has lodged Maigra P.S. Case No.12 of 2019, against the sons of the informant and others over assaulting the aforesaid appellant and his family members intruding into his house and committing theft preceding to the case under hand and in order to save skin from the said case the informant has lodged this case with altogether wrong and concocted allegation. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Moreover, the parties to the case have compromised the matter. 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 Exclusive Special



Judge SC/ST Act, Gaya in connection with Maigra P.S.
Case No.13 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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