

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3130 of 2019

Arising Out of PS. Case No.-50 Year-2015 Thana- SC/ST District- Purnia

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1. Amar Nath Kumar Singh @ Amar Kumar Son of Rajendra Prasad Singh Resident of Village - Orlaha (Aurlaha), P.S.- Raghubash Nagar (B.Kothi), District- Purnia.
 2. Sanjay Kumar @ Sanjay Singh @ Sanjay Kumar Singh Son of Navyan Prasad Singh Resident of Village - Orlaha (Aurlaha), P.S.- Raghubash Nagar (B.Kothi), District- Purnia

... .. Appellants.

Versus

1. The State of Bihar.
2. Sita Devi Wife of Late Raj Kumar Paswan Resident of Village - Orlaha (Aurlaha), P.S.- Raghubash Nagar (B.Kothi), District- Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bindeshwar Prasad Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 01-08-2019 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 1st Additional Sessions Judge cum Special Judge



SC/ST Act, Purnia in connection with SC/ST P.S. Case No. 50 of 2015 registered under Sections 448, 323, 354, 504 & 506/34 of the Indian Penal Code and Section 3(i) (x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have been dagging the informant in a room to outrage her modesty when she went to the school for cooking as she happens to be cook of the said school and on protest made by the informant they extended threatening to sack her from the service and falsely implicate in the case claiming their influence and slated her in the name of her caste. When the informant made complain with the headmaster of the school she also asked her to go and please the aforesaid appellants. Later on, when she again went to the school all the three named accused persons including the appellants slated her and assaulted her by means of legs and fists.

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 ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and



omnibus in nature. As a matter of fact, the informant was sacked from the service finding irregularity and callousness in the discharge of the duty by the Principal of the School on 17.06.2015 and due the aforesaid reason the informant has lodged this false and frivolous after abnormal and inordinate delay of 53 days without assigning any plausible explanation for the said delay. Moreover, slating was not made in presence of any person as there was none present at the time of occurrence, hence the said slating is not made in public view and no offence under SC/ST Act is made out against the appellants. 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 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnia in



connection with SC/ST P.S. Case No. 50 of 2015, 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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