

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3104 of 2019

Arising Out of PS. Case No.-75 Year-2019 Thana- NADI P.S. District- Patna

AKASH RAI @ AKASH RAJ Son of Lalan Ray Resident of Village- Jithuli,
P.S.- Nadi, District- Patna.

... .. Appellant.

Versus

1. The State of Bihar.
2. Budhan Das Son of Haril Das Resident of Village- Jethuli, P.S.- Nadi,
District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindeshwar Prasad Singh
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 appellant 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 24.05.2019 passed by learned Additional Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with Nadi P.S. Case No. 75 of 2019 registered under Sections 341, 323, 307, 427, 354, 379 & 504/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of not allowing to apply the colour to the female folk of the informant, all the five named accused persons including the appellant armed with weapons intruded into the house of the informant and slated him. Appellant gave rod blow on the head of the informant inflicting head injury to him. When his wife and sister-in-law rushed in his rescue other accused persons shoved them on the ground and assaulted them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to some petty dispute ensued between the parties. There is no allegation of slating the informant in the name of his caste. Moreover, the said slating is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Informant has not sustained injury in the occurrence as there is no injury report on the record and it is not the prosecution case that after sustaining injury the informant rushed to the hospital for her treatment. Parties to the case have entered into a compromise. Appellant has 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.186 of 2019, arising out of Nadi P.S. Case No. 75 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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