

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3265 of 2019

Arising Out of PS. Case No.-150 Year-2018 Thana- RAJAPAKAR District- Vaishali

MUNNA KUMAR Son of Shivjee Singh Chauhan Resident of Village -
Dumari, P.S.- Rajapakar, District - Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 18-11-2019 Heard learned counsel for the appellant 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 15.06.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Vaishali at Hajipur in Rajapakar P.S. Case
No. 150 of 2018 registered under Sections 147, 149, 323, 341
and 504 of the Indian Penal Code and Section 3(1)(k)(r)(s)(4) of
the SC/ST Act.

Five named accused persons including the appellant
and 8-10 unknown miscreants are said to have locked the temple
of Goddess Kali and slated the informant and others in the name
of their caste and did not allow the informant and members of
scheduled castes community to offer worship in the temple.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, informant and others had committed theft of loudspeaker, amplifier, etc. of the temple and also made attempt to commit theft of idol of Goddess Kali. Regarding the aforesaid occurrence, Co-accused Ramsagar Singh has lodged Rajapakar P.S. Case No. 149 of 2018 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 appellant and others. Aforesaid temple is closed after offering worship in the night at 8 PM and opens at 4 AM in the morning. Appellant never deprived any person from offering worship in the temple. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Ram Sagar Singh and Golu Kumar have been enlarged on bail by this court vide order dated 12.07.2019 passed in Cr. Appeal (SJ) No. 2269 of 2019.

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 appellant, be released on bail, in the



event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Rajapakkar P.S. Case No. 150 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C with condition that appellant will not prohibit the informant and members of SC/ST community from offering worship in the temple else his bail bond shall stand cancelled.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

