

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3197 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- HARNAUT District- Nalanda

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1. SHANKAR NONIA Son of Shivji Nonia Resident of Village- Poari, P.S.- Harnaut, District- Nalanda.
 2. Mukhiya Nonia @ Suraj Kumar Son of Sahdev Nonia Resident of Village- Poari, P.S.- Harnaut, District- Nalanda.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar Mishra
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-09-2019 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 04.07.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Harnaut P.S. Case No.133 of 2019 registered under Sections 447, 341, 323, 324, 504, 506, 307 & 379 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was present at his old house



all the five named accused persons including the appellants arrived there and started slating and assaulting him by means of garasa, lathi and rod and appellant - Shankar Nonia gave garasa blow on his head inflicting head injury to him. The bone of contention is said to be prolonged land dispute between the parties.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute. As a matter of fact, the daughter-in-law of the co-accused Sheoji Nonia has lodged Complaint Case No.300 (C) of 2019 against the informant and others on the same day preceding to the case under hand and to save skin from the said case, this false and frivolous case has been lodged against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Injury sustained by the informant is simple in nature.

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, Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No.133 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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