

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3314 of 2019

Arising Out of PS. Case No.-337 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

1. BAHADUR BIND Son of Sudama Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua
2. Keshwar Bind @ Sadhu Bind Son of Sudama Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua
3. Dinesh Bind Son of Sudarshan Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua
4. Arvind Bind Son of Sudarshan Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua
5. Birbal Bind Son of Sudarshan Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua
6. Sandeep Bind Son of Sudarshan Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua
7. Anil Bind Son of Jamuna Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua
8. Laxman Bind Son of Late Khedan Bind Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Binay Kumar Ram Son of Ram Bilas Ram Resident of Village - Kabar, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 24-10-2019 Heard learned counsel for the appellants 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 10.07.2019 passed by learned 1st Addl. Sessions Judge,



Kaimur in Bhabua P.S. Case No. 337 of 2019 registered under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

When the informant along with three other persons went to the house of Binod Bind to demand his due money, nine named accused persons including the appellants slating them in the name of their caste assaulted them by means of lathi, danda and sword making them injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, informant along with his three companions intruded into the house of the appellants consuming toddy and assaulted the family members of the appellants and misbehaved with the womenfolk. Regarding the said occurrence son of appellant no.7 has lodged Bhabua P.S. Case No. 341 of 2019 against the informant and others and in order to save skin from the said case informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Injuries sustained by the victims are simple in nature caused by hard and blunt substance and not by sword. Slating the informant in the name of his caste 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 appellants. Appellants have no criminal antecedent.

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 appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Kaimur in connection with Bhabua P.S. Case No. 337 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

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

