

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3107 of 2019**

Arising Out of PS. Case No.-47 Year-2019 Thana- RIGA District- Sitamarhi

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1. Sanjiv Kumar @ Rajan Kumar Son of Uma Shankar Rai R/O Village- Bhabhangama, P.S.- Riga, District- Sitamarhi.
 2. Kishan Thakur Son of Late Hira Lal Thakur R/O Village- Bhabhangama, P.S.- Riga, District- Sitamarhi.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Jha
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 31-07-2019 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 05.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sitamarhi in connection with Riga P.S. Case No. 47 of 2019 registered under Sections 147, 148, 149, 323, 332, 333, 427, 506 & 353 of the Indian Penal Code and Section 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On getting information about the brawl between



the members of two puja committees in the immersion procession of Goddess Saraswati, informant along with police force arrived there and he found two persons injured and loading the aforesaid injured on the police vehicle when the informant was sending them to the hospital, eight unnamed accused including the appellants and some unknown miscreants dragging out the aforesaid injured and the police personnel from the vehicle and assaulted them and also damaged the police vehicle.

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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. No one has sustained injury in the occurrence 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, Sitamarhi in connection with Riga P.S. Case No. 47 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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