

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3145 of 2019

Arising Out of PS. Case No.-454 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. Sanjay Chaudhary @ Bambam @ Sanjay Kumar Son of Beda Nand Chaudhary Resident of Lanka Tola, Murgi Farm Road, P.S.- K. Hat, Distt - Purnea.
2. Lal Ray Son of Darogi Ray Resident of Lanka Tola, Murgi Farm Road, P.S.- K. Hat, Distt - Purnea.
3. Bedanand Chaudhary Son of Late Jamun Chaudhary Resident of Lanka Tola, Murgi Farm Road, P.S.- K. Hat, Distt - Purnea.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-08-2019 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 09.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with K. Hat P.S. Case No.454 of 2019 registered under Sections 341, 323, 354, 379 & 504/34 of the Indian Penal



Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the three appellants along with two unknown miscreants intruding into the house of the informant assaulted her and Sanjay Chaudhary tore her blouse, Lal Ray snatched her earring and Sanjay Chaudhary, Lal Ray and Bedanand Chaudhary slated him in the name of her caste.

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 due to dirty village politics. There is case and counter case between the parties. As a matter of fact, appellant no.2 runs a grocery shop and informant has purchased some article on credit and on demand of the said money she has filed this false and frivolous case against them to grab his money. Informant has not sustained any injury in the occurrence. The allegation of assault and slating levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of her caste is said to have been made inside the house and not in public view, hence no offence under SC/ST Act is made out against the appellants. Allegation of theft is super addition. 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), Purnea in connection with K. Hat P.S. Case No.454 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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