

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3228 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- SAHPUR District- Patna

1. Manish Kumar Son of Mahendra Rai Resident of Village - Mathiyapur Shekhuchak, P.S.- Shahpur, District- Patna
2. Chhote Kumar Son of Mithilesh Kumar Resident of Village - Mathiyapur Shekhuchak, P.S.- Shahpur, District- Patna
3. Golu Kumar Son of Arun Rai Resident of Village - Mathiyapur Shekhuchak, P.S.- Shahpur, District- Patna

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 06-08-2019 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 15.04.2019 passed by learned Additional Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with Shahpur P.S. Case No. 111 of 2019 registered under Sections 147, 341, 323, 504 & 427 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

Six named accused persons including the appellants are said to have descended at the door of the informant and slated him in the name of his caste and on protest made by him they started pelting stones resulting injury to 5-6 persons. They also damaged the window, door and motorcycle of the informant.

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 merely because the mother of appellant no.1, namely, Manju Devi, who happens to be the President of Women's Welfare Society, has lodged Shahpur P.S. Case No.110 of 2019 against some miscreants on the same date of occurrence and the accused persons of the said case has lodged this false and frivolous case against the appellants setting the informant in order to harass them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The appellants are not said to have slated the informant in the specific name of his caste, 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.

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 Additional Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with Shahpur P.S. Case No. 111 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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