

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3302 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SC/ST District- Purnia

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1. Manohar Kumar Son of Late Satyanarayan Prasad Mahto Resident of Village - Baniyapatty, P.S.- K. Nagar, Distt - Purnea.
 2. Mani Devi Wife of Manohar Kumar Resident of Village - Baniyapatty, P.S.- K. Nagar, Distt - Purnea.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Ranjan Kumar
For the Respondent/s	:	Mr. Binay Krishna

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 02.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Purnea in connection with Purnea SC/ST P.S. Case No. 13 of 2019 registered under Sections 323, 504 & 379 of the Indian Penal Code and Section 3(1) (x) (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants provoking the villagers instigated them



to file complaint petition against Bablu Kumar Yadav before the B.D.O. but the complainant did not oblige them rather filed a complaint petition against the appellants before the B.D.O. and learning the same the appellants arriving at his door slated him in the name of caste and mounted pressure upon him to withdraw the case lodged against them.

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 at the instance of Bablu Kumar Yadav against whom the appellants have filed Misc. Petition No.21798 of 2018 in the Court of learned Chief Judicial Magistrate, Purnea on 13.08.2018. There is inordinate and abnormal delay of more than three months in lodging the complaint petition without assigning any plausible explanation for the said delay. Allegation against the appellants is general and omnibus. The alleged slating is said to have been made at the door of the informant and not in public view, hence no offence is made out against the appellants under SC/ST Act. 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 Purnea SC/ST P.S. Case No. 13 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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