

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3242 of 2019

Arising Out of PS. Case No.-47 Year-2011 Thana- SC/ST District- Gaya

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1. MAHESH SHARMA Son of Late Jatan Sharma Resident of Village - Achuki, P.S.- Anti, District- Gaya
 2. Dinesh Sharma Son of Late Jatan Sharma Resident of Village - Achuki, P.S.- Anti, District- Gaya
 3. Gora Yadav Son of Siyasaran Yadav Resident of Village - Achuki, P.S.- Anti, District- Gaya

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 07-08-2019 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 25.06.2019 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Gaya SC/ST P.S. Case No. 47/11 (G.R. No. 4419/11) registered under Sections 341, 323, 447 & 504/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Appellants along with one another named co-accused descending at the door of the informant slated him and on the protest made by him appellant Dinesh Sharma assaulted him by means of danda and when his wife and son rushed in his rescue all the accused persons assaulted 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 due to dirty village politics. 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. Appellants are not said to have slated the informant in the name of his case, hence no offence under SC/ST Act is made out against them. 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 Exclusive Special Judge SC/ST Act, Gaya in connection with Gaya SC/ST P.S. Case No. 47/11 (G.R. No. 4419/11), 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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