

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3249 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- MASHRAK District- Saran

SUNIL KUMAR SHUKLA @ SUNIL SHUKLA Son of Late Hawaldar Shukla Resident of Village- Chainpur Chamariya, P.S.- Mashrakh, District- Saran.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 08-08-2019 Heard learned counsel for the appellant 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 for anticipatory bail vide order dated 28.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Mashrakh P.S. Case No. 103 of 2019 registered under Sections 435, 504 & 506 of the Indian Penal Code and Section 3 (r) (s) (z) (a) (c) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over the land dispute six named accused persons including the appellant is said to have torched the 'Bathan' of the



informant and the appellant was seen escaping from the place of occurrence at the time of occurrence.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. As a matter of fact, the informant has constructed his 'Bathan' on the land of the appellant and on asking him to remove the same he has lodged this false and frivolous case against the appellant to mount pressure upon him. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The offence attributed to the appellant under the provisions of the Indian Penal Code are bailable in nature. No offence is made out against the appellant under SC/ST Act. Appellant has no criminal antecedent. Similarly situated co-accused Surendra Shukla and others have been enlarged on bail by coordinate Bench of this Court vide judgment dated 17.05.2019 passed in Cr. Appeal (SJ) No.1993 of 2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Mashrakh P.S. Case No. 103 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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