

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3320 of 2019**

Arising Out of PS. Case No.-402 Year-2019 Thana- SASARAM NAGAR District- Rohtas

1. Chanda Devi Wife of Baigan Khatik Resident of Village - Kadirganj, P.S.- Darigawn, District - Rohtas.
2. Baigan Khatik Son of Late Kishun Khatik Resident of Village - Kadirganj, P.S.- Darigawn, District - Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh No.10
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 21-10-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 05.07.2019 passed by learned 1st Addl. Sessions Judge, Sasaram, Rohtas in Sasaram Darigawn P.S. Case No. 402 of 2019 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On forbidding Chanda Devi from taking out the



soil from his land for filling her land, she started slating and assaulting the informant by means of lathi. In the meantime, her husband Baigan Khatik also arrived there and assaulted him by means of lathi.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Baigan Khatik has lodged Sasaram Darigawn P.S. Case No. 401 of 2019 against the informant and others and in order to save skin from the said case, the informant has lodged this false and frivolous case against the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the name of his caste against the appellants, 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, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of



Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Sasaram, Rohtas in Sasaram Darigawn P.S. Case No. 402 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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