

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3348 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- SHAMBHUGANJ District- Banka

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1. SANTOSH KUMAR SINGH Son of Rajendra Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 2. Munilal Singh Son of Late Nankeshwar Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 3. Dharmendra Kumar Singh Son of Kamla Kant Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 4. Nawal Kishor Singh @ Nawal Singh Son of Pashupati Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 5. Ashutosh Kumar Singh @ Ashitosh Kumar Singh @ Ashutosh Kumar Son of Shiv Narayan Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 6. Rohit Kumar Singh @ Rohit Kumar Son of Prabhakar Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 7. Mohit Kumar Son of Prabhakar Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 8. Manoj Kumar Singh Son of Yugal Kishor Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 9. Prabhash Kumar Singh @ Prabhakar Singh @ Prabhakar Kumar Singh Son of Narayan Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.
 10. Anjana Kumari @ Anjana Kumari Singh Wife of Late Shiv Ram Singh Resident of Garhi Mohanpur, P.S.- Shambhuganj, Distt - Banka.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amrendra Kumar Jha
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 01-10-2019

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 01.05.2019 passed by learned 1st Additional Sessions Judge, Banka in connection with Shambhuganj P.S. Case No. 16 of 2019 registered under Sections 341, 323, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants Rohit Kumar Singh and Mohit Kumar descending at the door of the informant started slating her and on forbidding them Rohit Kumar slating her in the name of caste exhorted other appellants whereupon other accused persons intruding into her house assaulted her and Rohit Kumar snatched her earring and shoved her on the ground. They also extended threatening to torch her hut.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated



in the case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. Slating the informant in the name of caste is said to have been made at the house of the appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. The allegation of theft is super addition. Parties to the case have compromised the matter. 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, Banka in connection with Shambhuganj P.S. Case No. 16 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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