

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3235 of 2019

Arising Out of PS. Case No.-264 Year-2016 Thana- MASHRAK District- Saran

Sanjay Kumar @ Chhota Sanjay Son of Satya Narayan Prasad Resident of
Village- Mashrak Takht, Police station- Mashrak, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gaurav Kumar

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 appellant 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 18.07.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Saran at Chapra in
Mashrak P.S. Case No. 264 of 2016 registered under Sections
147, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal
Code and Section 3(i)(x) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

On protest made by the informant about taking girl
by three named accused persons in the house of Manmohan



Prasad, they extended threatening of dire consequence to him and on the following day, while the informant was regressing to his house from his shop, eight named accused persons surrounded him and Umesh Baba @ Das gave him dagger blow in front of the house of the appellant. In the meantime, appellant stepping out of the house endorsed the assault upon the informant made by other accused persons and then all the accused persons left the scene slating him in the name of his caste.

It is submitted by learned counsel for the appellant that he has no concern with the aforesaid occurrence. He has been falsely implicated in this case as he happens to be Ex-Mukhiya and he had opposed carrying out the illicit trade liquor by the informant in the village and made complain against him. There is no allegation of assault against the appellant. Allegation of slating levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Other eight accused persons, namely, Deepak Kumar & Ors. have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.01.2019 passed in Cr. Appeal (SJ) No. 4427 of 2018.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra in connection with Mashrak P.S. Case No. 264 of 2016, 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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