

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3252 of 2019

Arising Out of PS. Case No.-63 Year-2017 Thana- SC/ST District- Araria

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1. ANMOL PASWAN Son of Bouku Paswan Resident of Village - Chakla, P.S.- Narpatganj, District- Araria
 2. Sanjay Paswan Son of Bouku Paswan Resident of Village - Chakla, P.S.- Narpatganj, District- Araria

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 08-08-2019 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 26.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Araria SC/ST P.S. Case No.63 of 2017 registered under Sections 341, 323, 354 B, 504, 379 & 506/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

Appellants along with two other named accused persons and 5-6 unknown miscreants armed with weapon descended at the door of the informant and co-accused Prasenjit @ Raja Yadav asked other accused persons to fix the pillar and peg in front of the house of the informant and on the protest made by the informant, they slated her in the name of caste and dragged her on the road and snatched her belonging.

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 land dispute. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not stated as to what has been snatched by the appellants. The appellants happen to be members of scheduled caste community. 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 1st Additional Sessions Judge cum Special Judge, Araria in connection with Special (SC/ST) Case No.284 of 2017, arising out of Araria SC/ST P.S. Case No.63 of 2017, 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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