

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3401 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

1. ANIRUDH DAS Son of Shiv Nandan Das Resident of Village- Mangiya, P.S.- Siwatpatti, District- Muzaffarpur.
2. Manish Kumar @ Vishwajeet Kumar Son of Ramswaroop Prasad @ Ramswarup Prasad Resident of Village- Dharampur, P.S.- Siwatpatti, District- Muzaffarpur.
3. Rahul Kumar Son of Bikaw Sah Resident of Village- Mangiya, P.S.- Siwatpatti, District- Muzaffarpur.
4. Mukesh Sah Son of Rajendra Sah Resident of Village- Mangiya, P.S.- Siwatpatti, District- Muzaffarpur.
5. Laloo Bhagat Son of Charitra Bhagat Resident of Village- Mangiya, P.S.- Siwatpatti, District- Muzaffarpur.
6. Santosh Sah @ Santosh Kumar Sah Son of Lakshman Sah Resident of Village- Mangiya, P.S.- Siwatpatti, District- Muzaffarpur.
7. Vikas Sah @ Bkaw Sah Son of Lakshman Sah Resident of Village- Mangiya, P.S.- Siwatpatti, District- Muzaffarpur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan
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 16.07.2019 passed by learned Special Judge SC/ST Act, Muzaffarpur in connection with Siwaipatti P.S. Case No.85 of 2019 registered under Sections 147, 149, 148, 341, 323, 353, 379, 504, 506 & 120 B of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant arrived at the Doma Chowk chasing a Safari vehicle which was escaping after dashing a person, appellant Manish Kumar intercepted the vehicle and took it to Mangiya Chowk. In the meantime, 34 named and 50-60 unknown miscreants arrived there and slating the informant in the name of caste assaulted him and also blocked the road by putting the burning tyre on the road.

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 due to dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of caste against the appellants. Informant has not sustained any injury in the occurrence. There is inordinate delay of four days in lodging the F.I.R. without assigning any



plausible explanation for the said delay though the informant himself happens to be police personnel. 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 Special Judge SC/ST Act, Muzaffarpur in connection with Siwaipatti P.S. Case No.85 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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