

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3462 of 2019**

Arising Out of PS. Case No.-98 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

-
1. BECHAN RAY Son of Ramji Ray Resident of Village-Bin Bochaha, P.S.-
Mohiuddinnagar, District-Samastipur.
 2. Ramji Ray @ Ram Raji Ray Son of Late Janak Ray Resident of Village-Bin
Bochaha, P.S.-Mohiuddinnagar, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 15-10-2019 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 10.07.2019 passed by learned 1st Additional
Sessions Judge, Samastipur in connection with Mohiuddinnagar
P.S. Case No. 98 of 2019 registered under Sections 323, 325,
342, 354, 447 and 504 of the Indian Penal Code and Section 3
(1)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



On disclosing about absence of Ravindra Ram, Mukhiya at the house by the informant, the appellants got infuriated and slated her in the name of her caste and on protest made by the informant they assaulted her by means of lathi and brick bat dragging from the house.

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 this case at the instance of Ravindra Ram, Mukhiya against whom they have made complaint regarding irregularity committed by him in executing the various government schemes. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The injury report filed by the informant indicates that the doctor has advised for x-ray of her shoulder and right knee but no x-ray report has been brought on record by the informant. Moreover, the said injury is on non-vital part. Slating the informant is said to have been made at the house of the informant and not in public, hence no offence under SC/ST is made out against the appellants. There is inordinate and abnormal delay of one month and eight days in filing the complaint petition without assigning any plausible explanation for the said delay. 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, Samastipur in connection with Mohiuddinnagar P.S. Case No. 98 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)

Trivedi/-

U		T	
---	--	---	--

