

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3416 of 2019**

Arising Out of PS. Case No.-135 Year-2019 Thana- BASANTPUR District- Siwan

1. Prabhu Das Son of Sudama Das Resident of Village- Sendurkha Pandey Tola, Police Station- Basantpur, District- Siwan.
2. Dilip Kumar Das @ Dilip Kumar son of Prabhu Das Resident of Village- Sendurkha Pandey Tola, Police Station- Basantpur, District- Siwan.
3. Vikash Kumar Das @ Vikash Kumar Son of Prabhu Das Resident of Village- Sendurkha Pandey Tola, Police Station- Basantpur, District- Siwan.
4. Chhote Lal Kumar Das @ Chhote Lal Kumar Son of Prabhu Das Resident of Village- Sendurkha Pandey Tola, Police Station- Basantpur, District- Siwan.
5. Sima Devi Wife of Parshuram Das Resident of Village- Sendurkha Pandey Tola, Police Station- Basantpur, District- Siwan.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Jitendra Kumar Roy  
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2      20-08-  
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 15.07.2019 passed by learned 1<sup>st</sup> Additional  
Sessions Judge cum Special Judge, Siwan in connection with



Basantpur P.S. Case No.135 of 2019 registered under Sections 341, 323, 324, 307, 379, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with eight other named accused persons are said to have assaulted the son of the informant, namely, Mukesh Kumar Manjhi by tying with the electric pole and when the informant approached the appellants to enquire about the matter they started slating him in the name of caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. . As a matter of fact, appellant no.5-Sima Devi has lodged Basantpur P.S. Case No.134 of 2019 under Section 354 C and other allied section of IPC against the aforesaid victim and in order to save skin from the said case the informant has lodged this false and frivolous case against the appellants and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Though the opinion regarding the injury sustained by Mukesh Manjhi is reserved but the aforesaid injury are tenderness on right lip and back of chest and abrasion on nose. Appellants are also members of the scheduled caste



community. 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 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Siwan in connection with Basantpur P.S. Case No.135 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 |  |
|---|--|---|--|

