

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3372 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SC/ST District- Vaishali

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JAI NATH PRASAD Son of Late Yugeshwar Rai Resident of Village- Dighi
Kala, P.S.- Hajipur Sadar in the District of Vaishali.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

2 19-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 20.07.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Vaishali at Hajipur in Hajipur SC/ST P.S.
Case No. 11 of 2019 registered under Sections 420, 467, 468,
471, 504, 506 and 120(B) of the Indian Penal Code and Section
3(i)(r)(s)/3(2)(va) of the SC/ST Act.

Appellant along with other accused persons including
Gajendra Jha approached the informant and said Ganjendra Jha
impersonating himself as Ram Pukar Rai executed sale deed in
favour of the wife of the informant in Rs. 5,46,000/-. Informant



handed over the said money to the appellant who after counting the same accorded it to said Ganjendra Jha in turn. Subsequently he learnt that Ram Pukar Rai has already died preceding to the execution of the aforesaid sale deed and aforesaid persons have executed forged and fabricated documents in favour of his wife, then he arrived at the house of the appellant and claimed back his money. Whereupon all the accused persons including the appellant slated him in the name of his caste and refused to return his money.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. He neither happens to be executor of the said sale deed nor any witness or its identifier. Aforesaid money was not handed over to the appellant by the informant. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Moreover said slating is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of around 1 month and 8 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay.



Learned Spl. PP for the State opposed the prayer for bail.

Having regard to 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 the learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 11 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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