

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3415 of 2019**

Arising Out of PS. Case No.-12 Year-2019 Thana- SC/ST District- Siwan

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1. Sarvjeet Kumar S/o Anand Kumar Prakash Turha R/o Vill- Pakwalia, P.S.- Hussainganj, District- Siwan
  2. Deepak Kumar S/o - Anand Kumar Prakash Turha Resident of Village- Pakwalia, P.S.- Hussainganj, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Pandey

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 appellants and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 29.06.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Siwan in SC/ST P.S. Case No. 12 of 2019 registered under Sections 323, 341, 354(B), 504, 506/34 of the Indian Penal Code and Section 3(i)(r)/3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with two other named accused



persons are said to have been passing indecent comment against the daughter of the informant arriving at her house and when the informant along with her son approached the aforesaid accused persons on the complain of her daughter, they started assaulting her and her son. They inflicted head injury to her son and injury on the back of the informant.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to animosity and due to filing of the case under Section 307 and other allied Sections of the I.P.C. by the co-accused Durgawati Devi against the informant and others seven days preceding to the alleged occurrence. The injury sustained by the informant is simple in nature. Likewise, the injury nos. 2 and 3 sustained by the son of the informant is simple in nature while opinion regarding injury no. 1 is reserved. But the said injury is pain and swelling on the left elbow and on non-vital part and moreover doctor has not found any head injury on the person of son of the informant repugnant to the allegation made by her. Allegation levelled against the appellants is not specific rather general and omnibus in nature. No offence under SC/ST Act is made out against the appellants. There is inordinate and abnormal delay of three days



in lodging the FIR without assigning any plausible explanation for the same. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Siwan in connection with SC/ST P.S. Case No. 12 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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