

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3474 of 2019

Arising Out of PS. Case No.-283 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. Rohit Sao Son of Uday Sao Resident of Village - Fatehpur, P.S.-
Makhdumpur, Dist.- Jehanabad.
2. Deepak Sao Son of Uday Sao Resident of Village - Fatehpur, P.S.-
Makhdumpur, Dist.- Jehanabad.
3. Raju Sao Son of Uday Sao Resident of Village - Fatehpur, P.S.-
Makhdumpur, Dist.- Jehanabad.
4. Umesh Sao Son of Uday Sao Resident of Village - Fatehpur, P.S.-
Makhdumpur, Dist.- Jehanabad.
5. Rekha Devi Wife of Uday Sao Resident of Village - Fatehpur, P.S.-
Makhdumpur, Dist.- Jehanabad.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 21-08-2019 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 20.07.2019 passed by learned 1st Additional
Sessions Judge, Jehanabad in connection with Makhdumpur
P.S. Case No. 283 of 2019 registered under Sections 323, 341,



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.

Over row of parking the vehicle in front of the
house of the informant appellants slated and assaulted the son of
the informant and when informant rushed in his rescue they also
slated and assaulted her by means of stone making her injured.

It is submitted by learned counsel for the
appellants that no such occurrence as alleged ever took place.
Appellants have been falsely implicated in the case. The
allegation of assault levelled against the appellants is not
specific rather general and omnibus in nature. As a matter of
fact, co-accused Rekha Devi lodged a case bearing
Makhdumpur P.S. Case No.282 of 2019 against the husband of
the informant and others, earlier to the case under hand, and to
save skin from the said case, this false and frivolous case has
been lodged against the appellants. None has sustained any
injury in the occurrence. There is no allegation of slating the
informant in and his son in the specific name of his caste.
Hence, no offence under SC/ST Act is made out against the
appellants. 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, Jehanabad in connection with Makhdumpur P.S. Case No. 283 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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