

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3410 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- FESHAR District- Aurangabad

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1. RAHUL KUMAR Son of Late Dileep Kumar Singh Resident of Village- Pandey Khap, P.S. - Pesar, District- Aurangabad.
 2. Niraj Kumar Son of Rabindra Singh Resident of Village- Pandey Khap, P.S. - Pesar, District- Aurangabad.
 3. Bhola Kumar Son of Kailash Singh Resident of Village- Pandey Khap, P.S. - Pesar, District- Aurangabad.
 4. Laljee Kumar Son of Bhim Singh Resident of Village- Pandey Khap, P.S. - Pesar, District- Aurangabad.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Devsundar Kumar Son of Bharat Ram Resident of Village- Pandey Khap, P.S. - Pesar, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-11-2019 Heard Mr. Sanjay Kumar, learned counsel for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellants have challenged the order dated 16.07.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad in connection with Pesar SC/ST P. S. Case No. 3 of 2019,



whereby their prayer for being enlarged on anticipatory bail has been rejected.

It appears that the appellants are all persons of young age who have been made accused in this case with the allegation of abusing the informant and his associates and preventing them from playing cricket on public field.

It has been submitted on behalf of the appellants that the dispute lies somewhere else.

It has been pointed out specifically by the appellants that over the land belonging to the grandfather of appellant no. 3, the associates of the informant have constructed a hut and when a demand was made to those persons who had erected the hut over the land of the grandfather of appellant no. 3, the present case has been lodged.

It has also been submitted that none of the offences alleged against the appellants under Sections 3 (1) (r), 3 (1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can be said to have been made out.



Considering the trivial nature of accusation and the motive behind falsely implicating the appellants with the sole purpose of adding serious colour to this case by attracting the mischief of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the order refusing to enlarge the appellants on bail is set aside.

The appeal is allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad in connection with Phesar SC/ST P. S. Case No. 3 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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