

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3444 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- SC/ST District- Patna

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1. REKHA DEVI Wife of Awadh Narayan Singh @ Awadh Prasad Resident of Village-Daulatpur, P.S.-Kadirganj and District-Patna.
 2. Rinku Devi Wife of Sri Mithilesh Prasad Resident of Village-Daulatpur, P.S.-Kadirganj and District-Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Kumar

For the Respondent/s : Mr. Sadanand Paswan

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 17.07.2019 passed by learned Additional Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.227 of 2019, arising out of SC/ST P.S. Case No.18 of 2019 registered under Sections 341, 323, 354, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) (w)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Accused Pawan Kumar, Baban Kumar and Om Prakash are said to have damaged the bicycle of cousin of the informant during course of proceeding to market and slated him in the name of caste. When other family members of the victim rushed in her rescue other accused persons assaulted them by means of lathi and brick etc. Appellants are said to have pelted stones.

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 due to flowing of the drainage water on the Gairmajarua land. Several proceedings between the parties are going on in the office of the C.O., Dhanarua and DCLR, Masaurhi. None has sustained any injury at the hands of the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. No offence under section SC/ST Act is made out against the appellants. They happen to be ladies. They 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 Additional Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.227 of 2019, arising out of SC/ST P.S. Case No.18 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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