

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3420 of 2019

Arising Out of PS. Case No.-139 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. NAVIN KUMAR Son of Suresh Ramani Resident of Village- Bishunganj, P.S.- Magadh Medical, District- Gaya.
 2. Rohit Ranjan @ Rohit Kumar Son of Sanjay Kumar Dutta @ Sanjay Prasad Resident of Village- Bishunganj, P.S.- Magadh Medical, District- Gaya.
 3. Nitish Kumar Son of Sanjay Kumar Dutta @ Sanjay Prasad Resident of Village- Bishunganj, P.S.- Magadh Medical, District- Gaya.
 4. Mukesh Kumar Son of Ramashish Pandit Resident of Village- Bishunganj, P.S.- Magadh Medical, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sada Nand Roy
For the Respondent/s : Mr.Usha Kumari 1

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 SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 20.07.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in M.M.C.H. P.S. Case No. 139 of 2019 registered under Sections 341, 323, 324, 379, 447, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the SC/ST Act.

Appellants along with seven other named accused persons are said to have descended at the door of the informant



during course of marriage of her daughter and slated the informant in the name of her caste, assaulted the members of the Barat party, her daughter and would be son-in-law and also assaulted her husband by means of butt of the rifle and snatched away ornaments of her daughter.

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 levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. There is inordinate delay of nine days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent.

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 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 the learned Exclusive Special



Judge, SC/ST, Gaya in connection with M.M.C.H. P.S. Case No. 139 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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