

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3475 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- SC/ST District- Lakhisarai

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1. Chandradeo Sao Son of Sri Saudi Sao Resident of Village-Ram Tola, Balupar, Ward No. 11, P.S. and District- Lakhisarai.
 2. Champa Devi Wife of Sri Chandradeo Sao Resident of Village- Ram Tola, Balupar, Ward No. 11, P.S. and District- Lakhisarai.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. Binay Krishna

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 16.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 19 of 2019 registered under Section 3(1) (v) (viii) (x) (xi) (xiv) and (xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



When the informant approached appellant no.1 to enquire about the broken glass of his scorpio vehicle, he slated him in the name of caste and also extended threatening of torching his vehicle. When his wife rushed in their rescue and tried to persuade, appellant no.2 slated his wife in the name of her caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated due to land dispute. Appellants have filed Title Suit No.160 of 2018 against the informant and his wife preceding to the case under hand and due to aforesaid reason the informant has lodged this false and frivolous case against them. The only allegation is slating the informant and his wife in the name of caste. There is inordinate delay of six days in lodging the complaint petition 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, 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 cum Special Judge, Lakhisarai in connection with SC/ST Case No.50 of 2019, arising out of Lakhisarai SC/ST P.S. Case No. 19 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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