

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3559 of 2019**

Arising Out of PS. Case No.-34 Year-2017 Thana- SC/ST District- Saran

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1. KRISHNA SINGH, Son of Rameshwar Singh Resident of Village - Arwan Paschim Tola, P.S.- Khaira/ Nagara O.P., District- Saran
 2. Yugul Singh @ Yugul Kishore Singh Son of Banaras Singh (In FIR wrongly written as Anaras Singh) Resident of Village - Arwan Paschim Tola, P.S.- Khaira/ Nagara O.P., District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

4 23-10-2019 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 14.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra in SC/ST (Saran) P.S. Case No. 34 of 2017 registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Section 3(i) (c)/3(2)(va) of the SC/ST Act.

When the informant stepped out of the temple of Sanichara Baba after offering prayer, appellants started slating



him in the name of his caste over visiting temple for offering prayer. On protest made by the informant, they assaulted him by means of shoe and slipper.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, informant happens to be driver of Baliram Prasad and said Baliram Prasad has lodged Khairi (Nagar) P.S. Case No. 302 of 2017 against the appellants and others in which informant is one of the witness. Title Suit contested between Balram Prasad and the appellants has been decreed in favour of the appellants and the appellants have now filed execution against the said Baliram Prasad and due to the aforesaid reason, said Baliram Prasad has got this case lodged against the appellants with altogether wrong and concocted allegation through his driver Mukesh Paswan (informant) in order to harass them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is delay of 3 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay.

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 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra in connection with SC/ST (Saran) P.S. Case No. 34 of 2017, 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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