

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3476 of 2019

Arising Out of PS. Case No.-533 Year-2019 Thana- BIHTA District- Patna

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1. Chhaila Kumar S/o -Late Gelha Rai R/o Village- Neura Derapar, P.S.- Bihta (Neura O.P.), District- Patna.
 2. Aman Kumar S/o - Chhaila Kumar R/o Village- Neura Derapar, P.S.- Bihta (Neura O.P.), District- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Pandey, Advocate.

Mr. Chandan Kumar, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Special Public Prosecutor

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 12.07.2019 passed by learned Special Judge SC/ST Act, Patna in connection with Bihta P.S. Case No. 533 of 2019 registered under Sections 341, 323, 325, 385, 504 & 506 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants and one another co-accused are said to have slated and assaulted the informant and his wife by means of fist on his refusal to cough up the extortion money demanded by them in lieu of allowing him to vend the toddy.

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 merely because they have forbidden the informant from vending the toddy in the locality. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is no allegation of slating the informant and his wife in the name of caste. Hence, no offence under SC/ST Act is made out against the appellants. 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 Special Judge SC/ST Act, Patna in connection with Bihta P.S. Case No. 533 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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