

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3640 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SC/ST District- Jehanabad

1. ANISH KUMAR Son of Late Lal Mohan Prasad Gupta Resident of Village- Barki Dangra Ahar, P.S.- Arwal, District- Arwal
2. Manish Prasad Gupta Son of Late Lal Mohan Prasad Gupta. Resident of Village- Barki Dangra Ahar, P.S.- Arwal, District- Arwal
3. Raju Kumar Son of Late Lal Mohan Prasad Gupta Resident of Village- Barki Dangra Ahar, P.S.- Arwal, District- Arwal
4. Shushil Kumar Gupta @ Modi Son of Sundar Prasad Gupta Resident of Village- Barki Dangra Ahar, P.S.- Arwal, District- Arwal
5. Sundar Prasad Gupta Son of Late Harinandan Saw Resident of Village- Barki Dangra Ahar, P.S.- Arwal, District- Arwal
6. Nawlesh Prasad Gupta Son of Late Brijnandan Prasad Gupta Resident of Village- Barki Dangra Ahar, P.S.- Arwal, District- Arwal

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Mishra, Advocate.
For the State	:	Mr.Usha Kumari 1, Spl. PP.
For the Informant	:	Mr. Subodh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 08-11-2019 Heard learned counsel for the appellants, learned counsel for the informant 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 08.04.2019 passed by learned 1st Addl. Sessions Judge, Jehanabad in Arwal SC/ST P.S. Case No. 4 of 2019 registered under Sections 341, 323, 504, 354, 506/34 of the Indian Penal Code and Section 3(1)(r)(f)(s) and 3(2)(va) of the SC/ST Act.



Appellants armed with lathi and danda started raising wall on the disputed Gairmajarua land of the informant and on protest made by her niece, they slated her in the name of her caste and assaulted her by means of brickbat inflicting head injury to her.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellant Manish Prasad Gupta has lodged Arwal P.S. Case No. 26 of 2019 against the husband of the informant preceding to the case under hand and in order to save skin from the said case informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Chargesheet in the case has been submitted under Section 323 besides other allied sections of the IPC and SC/ST Act. Appellants have no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the informant 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, Jehanabad in connection with Arwal SC/ST P.S. Case No. 4 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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