

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3624 of 2019**

Arising Out of PS. Case No.-168 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

Bahera Bind Son of Late Shivjanam Bind Resident of Village- Agarsanda,
P.S.- Ara Muffasil (Dhobha O.P), District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pranav Kumar

For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 30-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 29.07.2019 passed by learned 1st Addl. Sessions Judge, Bhojpur, Ara in Ara Muffasil (Dhobha O.P.) P.S. Case No. 168 of 2019 registered under Sections 147, 148, 323, 325, 379, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant along with his brother and nephew rushed to intervene the brawl between the children, 12



named accused persons including the appellant armed with weapons arrived there slating the informant in the name of his caste. Co-accused Gauri Shankar Bind assaulted the informant by means of rod while other accused persons assaulted his brother and nephew. Sustaining injury the informant fell senseless and was rushed to the hospital where he is undergoing treatment.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation of slating the informant and assaulting the his brother and nephew levelled against the appellant is not specific rather general and omnibus in nature. Appellant does not happen to be assailant of the informant. There is no injury report of brother and nephew of the informant on record. There were 12 accused persons at the place of occurrence but the informant has not stated in specific as to who slated him in the name of his caste. There is inordinate and abnormal delay of nine days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Bhojpur, Ara in connection with Ara Muffasil (Dhobha O.P.) P.S. Case No. 168 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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