

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3627 of 2019

Arising Out of PS. Case No.-99 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

-
1. Dilip Kumar Gupta Son of Late Ram Sagar Sah Resident of Village- Rahsi (Rasulpur), P.S.- Bochaha, District- Muzaffarpur.
 2. Ram Vinay Sah Son of Jaikishun Sah Resident of Village- Rahsi (Rasulpur), P.S.- Bochaha, District- Muzaffarpur.

... .. Appellants.

Versus

1. The State of Bihar.
2. Sheela Devi Wife of Keshwar Ram Resident of Village- Balthi Rasulpur, P.S.- Bochaha, District- Muzaffarpur.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Arun 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 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 bail vide order dated 03.08.2019 passed by learned Special Judge SC/ST Act, Muzaffarpur in connection with Complaint Case No.99 of 2017 (Tr. No.348 of 2018) registered under Sections 323, 341 & 504 of the Indian Penal Code and Section 3(1) (x) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the complainant approached the appellants to get her name entered in the list of beneficiary of flood relief they did not enter her name in the list of beneficiary uttering that the informant has not casted vote in their favour and slated her in the name of caste and on protest made by her they spat on her person and badly assaulted her. On the exhortation of appellant no.1, appellant no.2 dragged her from the Panchayat Bhawan by tying her neck with gamcha and dumped her.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. As a matter of fact, they have been falsely implicated in this case merely because the informant after taking the money in the Indira Aawawa Yojna in the year 2007-08 had again applied for the aforesaid money in the said scheme and on complaint made by the appellants to the B.D.O. notice was issued to the informant and she was forced to deposit the money amounting to Rs.50,000.00 taken by her in the aforesaid scheme and peeved with the same the family members of the informant assaulted the appellants for which appellant no.1 has lodged Bochahan P.S. Case No.176 of 2017 against them and in order



to save skin and in retaliation informant lodged the complaint with altogether false and frivolous allegation against the appellants after inordinate and abnormal delay of two days without assigning any plausible explanation for the said delay. Informant has not sustained any injury. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have been languishing in custody since 03.08.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to 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, Muzaffarpur in connection with Complaint Case No.99 of 2017 (Tr. No.348 of 2018).

Accordingly, the impugned order is set aside and this appeal is allowed.

Trivedi/-

(Prakash Chandra Jaiswal, J)

U		T	
---	--	---	--

