

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3676 of 2019

Arising Out of PS. Case No.-558 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. KAPIL SHARMA @ KAPILDEO SHARMA @ KAPIL MISTRI Son of Deo Mistri Resident of Village-Bharondha, P.S.-Gurua, District-Gaya.
 2. Nagendra Sharma @ Nagendra Singh Son of Late Bachchu Singh Resident of Village-Bharondha, P.S.-Gurua, District-Gaya.
 3. Uday Sharma Son of Late Mahavir Singh Resident of Village-Bharondha, P.S.-Gurua, District-Gaya.
 4. Naresh Sharma @ Ram Naresh Sharma @ Naresh Singh Son of Saryu Singh Resident of Village-Bharondha, P.S.-Gurua, District-Gaya.
 5. Pappu Sharma @ Pappu Singh @ Anand Kumar Sharma Son of Radhey Singh Resident of Village-Bharondha, P.S.-Gurua, District-Gaya.
 6. Mangal Sharma @ Mangal Singh @ Raj Mangal Son of Uday Singh Resident of Village-Bharondha, P.S.-Gurua, District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dukhan Rikiyasan @ Dukhan Bhuiyan Son of Late Badri Bhuiyan Resident of Village-Bharondha, P.S.-Gurua, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shivendra Prasad
For the Respondent/s	:	Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 24-09-2019 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 20.07.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in SC/ST Complaint Case No. 558 of 2018



(C.I.S.) Tr. No. 509 of 2018 / SC/ST Complaint Case No. 41 of 2018 registered under Sections 354, 323 and 307 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST Act.

Saw mill of the appellant Kapil Mistry is located adjacent to the land of the complainant and appellants want to grab the aforesaid land of the complainant. On the date of occurrence, all the accused persons descended at the house of the complainant and Kapil Mistry pointed pistol on his head. When his wife stepped out of the house and made alarm, all the accused persons slated her in the name of her caste, stripped off her attire and damaged the roof of the hut.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. Complainant has filed another case regarding the same occurrence before the Sub-Divisional Public Grievance Redressal Officer, Sherghati and after hearing the complainant said officer found the case false and claim of the complainant over the land in question baseless. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the wife of the complainant in the name of her caste is said to have been made at the house of the complainant



and not in public view, 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.

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 Exclusive Special Judge, SC/ST Act, Gaya in connection with SC/ST Complaint Case No. 558 of 2018 (C.I.S.) Tr. No. 509 of 2018 / SC/ST Complaint Case No. 41 of 2018, 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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