

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3596 of 2019**

Arising Out of PS. Case No.-24 Year-2019 Thana- SC/ST District- Vaishali

1. Pankaj Kumar Son of Late Kameshwar Prasad Singh Resident of Mohalla - J.P. Nagar, Karbala, Road No.- 88, P.S.- Giridih, District - Giridih (Jharkhand)
2. Neeraj Kumar @ Ritu Kumar Son of Jitan Singh Resident of Village - Imadpur, P.S.- Bhagwanpur, District - Vaishali

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar Jha
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 29-08-2019 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 23.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Vaishali at Hajipur in connection with SC/ST (Hajipur) P.S. Case No. 24 of 2019 registered under Sections 323, 379 & 307 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



On asking the appellants to wait for sometime for their number for repairing their motorcycle in the garage of the informant, they slated the informant in the name of caste and assaulted by means of leg and fists. Appellant no.1 pressed his neck and both the appellants spat on his face.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the sister of appellant no.1 has been married with Amit Kumar, son of Lal Babu Singh and against the said Amit Kumar and Lal Babu Singh she has lodged matrimonial case and Amit Kumar and his father both have lodged cases against the sister of appellant no.1 and appellant no.1. The aforesaid persons due to animosity and grudge, got this false and frivolous case lodged by their labourer (informant). The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of three months in filing the complaint petition without assigning any plausible explanation for the said delay. Appellant no.1 happen to be resident of district Giridih (Jharkhand), hence there is no question of getting their bike repaired by them at the garage of the informant at Vaishali (Bihar).



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 1st Additional Sessions Judge cum Special Judge SC/ST Act, Vaishali at Hajipur in connection with SC/ST (Hajipur) P.S. Case No. 24 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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