

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3632 of 2019**

Arising Out of PS. Case No.-109 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Tanjay Bhagat @ Modi @ Tanjay Kumar Malakar Son of Bhola Bhagat @
Bhola Prasad Malakar Resident of Village - Waini, Mali Tola, P.S.- Waini,
District - Samastipur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sukumari Devi Wife of Raj Kumar Paswan Resident of Village - Hasauli,
Post- Pataili Panchayat, Ward no.5 East, P.S.- Ujiyarpur, District -
Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Narain Sinha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 26-09-2019 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 12.07.2019 passed by learned 1st Addl. Sessions
Judge, Samastipur in Complaint Case No. 109 of 2018
registered under Sections 147, 323, 342, 354B, 379, 504, 506/34
of the Indian Penal Code and Section 3(1)(r)(s)(w), 3(2)(va) of
the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

All the six named accused persons including the appellant is said to have assaulted the parents-in-law of the complainant in their banana orchard, and when the complainant rushed there, they also assaulted her and slated her in the name of her caste. Co-accused Sanjay Pandit stripped off her attire and tried to outrage her modesty and Dineshwar Pandit snatched her Mangal Sutra. Thereafter, all the accused persons left the scene on congregation of the locals responding hulla made by the complainant.

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 and animosity. Allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slating the complainant is said to have been made in her banana orchard and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. 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, Samastipur in Complaint Case No. 109 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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