

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3633 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- MAHUA District- Vaishali

1. RAM PRAVESH PATEL S/o Sone Lal Patel Resident of Village- Karnpura, P.S.- Mahua, District- Vaishali.
2. Dinesh Patel S/o Sone Lal Patel Resident of Village- Karnpura, P.S.- Mahua, District- Vaishali.
3. Suraj Patel S/o Vinod Patel Resident of Village- Karnpura, P.S.- Mahua, District- Vaishali.
4. Rajiv Patel S/o Dinesh Patel Resident of Village- Karnpura, P.S.- Mahua, District- Vaishali.
5. Sanjeev Patel S/o Dinesh Patel Resident of Village- Karnpura, P.S.- Mahua, District- Vaishali.
6. Rishu Patel @ Rishu Kumar S/o Dinesh Patel Resident of Village- Karnpura, P.S.- Mahua, District- Vaishali.
7. Amit Patel @ Amit Kumar Son of Dinesh Patel Resident of Village- Karnpura, P.S.- Mahua, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Prasad Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-09-2019 Heard learned counsel for the appellants and learned
Spl. P.P. 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 05.07.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge (SC/ST) Act, Vaishali in connection



with Mahua P.S. Case No. 273 of 2019, registered under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the SC/ST Act.

Appellants along with 4-5 unknown miscreants were forcibly playing indecent song on DJ and on protest made by the informant they slated in the name of his caste. On forbidding them, they took out lathi, bhala and sword from their houses and appellant Ram Parvesh Patel assaulted on the right ear of the informant by means of sword inflicted cut injury to him while other accused assaulted him by means of lathi and danda.

It is submitted by the learned counsel for the appellants that that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste against the appellants. Informant has not sustained injury. Learned lower court has also not submitted any injury on the person of the informant in the impugned order after perusal of the case diary. No offence under SC/ST Act is made out against the appellants. There is abnormal and inordinate delay of seven days in lodging the F.I.R. by the informant without assigning



any plausible explanation for the said delay which creates serious doubt about the prosecution case. Parties of the case have entered into compromise. Appellants have no criminal antecedent.

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

In 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 1st Addl. District & Sessions Judge-cum-Special Judge (SC/ST) Act, Vaishali in connection with Mahua P.S. Case No.273 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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