

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3651 of 2019

Arising Out of PS. Case No.-442 Year-2018 Thana- BARARI District- Katihar

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1. UMESH SINGH @ UMESH PRASAD SINGH Son of Chhatu Prasad Singh Resident of Village- Krishhifarm, Pokharia, P.S.- Barari, District- Katihar.
 2. Santosh Sah @ Santosh Kumar Sah Son of Yadunandan Sah Resident of Village- Krishhifarm, Pokharia, P.S.- Barari, District- Katihar.
 3. Ankush Kumar Sah Son of Ram Naresh Prasad Sah Resident of Village- Krishhifarm, Pokharia, P.S.- Barari, District- Katihar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pranav Kumar Jha

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-09-2019 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 27.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Katihar in Barari P.S. Case No. 442 of 2018 registered under Sections 147, 149, 341, 427, 504 and 506 of the Indian Penal Code and Section 3(1)(s)(o), 3(2)(iii)(w) of the SC/ST Act.

Appellants along with three other named accused



persons and 50-60 unknown miscreants are said to have slated the informant in the name of his caste arriving at his house and damaged his window, door and asbestos wall and also extended threatening of dire consequence.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, sister-in-law (bhabhi) of the appellant no.2 has lodged Barari P.S. Case No. 439 of 2018 against the father of the informant for dashing cousin brother of the aforesaid appellant namely Varun Sah by him by driving motorcycle rashly in which his cousin brother succumbed to injury and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating is said to have been made at the house of the informant 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 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Katihar in connection with Barari P.S. Case No. 442 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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