

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3647 of 2019

Arising Out of PS. Case No.-87 Year-2016 Thana- SC/ST District- Gaya

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1. Pankaj Sao Son of Bhuneshwar Sao Resident of Village - Salaiya Kala, P.S.- Fatehpur, District - Gaya (Bihar)
 2. Pramod Sao Son of Bhuneshwar Sao Resident of Village - Salaiya Kala, P.S.- Fatehpur, District - Gaya (Bihar)
 3. Pravind Sao @ Pintu Son of Bhuneshwar Sao Resident of Village - Salaiya Kala, P.S.- Fatehpur, District - Gaya (Bihar)
 4. Ranjeet Sao Son of Shivnath Sao Resident of Village - Salaiya Kala, P.S.- Fatehpur, District - Gaya (Bihar)
 5. Sanjay Sao Son of Shiv Sao Resident of Village - Salaiya Kala, P.S.- Fatehpur, District - Gaya (Bihar)
 6. Uday Lal Son of Vijay Sao Resident of Village - Salaiya Kala, P.S.- Fatehpur, District - Gaya (Bihar)
 7. Mukendra Sao Son of Babulal Sao Resident of Village - Salaiya Kala, P.S.- Fatehpur, District - Gaya (Bihar)

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 27-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 20.07.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in Gaya SC/ST P.S. Case No. 87 of



2016 registered under Sections 147, 149, 323, 341, 354, 379, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Houses of the appellant nos. 1, 2, 3 and the informant were demolished by the order of the Court through the police and C.O. After departure of the C.O. and police, all the appellants arrived at their demolished house and appellant nos. 1, 2, 3 slated and assaulted him blaming that he was instrumental in demolition of their houses. Thereafter, the informant rushed into his house, then all the appellants slated the informant and his family members in the name of their caste and assaulted one Sunil Chaudhary. They also misbehaved with the wife of the informant and then they left the scene.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, the houses of both the appellant nos. 1, 2, 3 and the informant were demolished by the administration in view of the direction of the Court and the household articles were kept by the informant Vasudeo Chaudhary, who was made to handover the same to the appellants on the intervention of the villagers, and due to



aforesaid grudge, informant has lodged this case against the appellants with altogether wrong and concocted allegation. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slatting the informant and his family members is said to have been made inside the house of the informant and not in the public view. There is inordinate and abnormal delay of nine days in filing the complaint petition, which creates serious doubt about the prosecution case. Appellants have 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 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 learned Exclusive Special Judge, SC/ST, Gaya in Gaya SC/ST P.S. Case No. 87 of 2016, 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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