

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3683 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- SC/ST District- Samastipur

Gopal Sah Son of Late Saty Narayan Sah Resident of Village - Narhan State,
P.S.- Bibhutipur, Dist.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mirtunjay Kumar Mr. Praveen Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1

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

ORAL ORDER

2 02-09-2019 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 26.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Samastipur in Samastipur SC/ST P.S. Case No. 21 of 2019 registered under Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with 4-5 miscreants armed with rod descended at the house of the informant and dismantled the



rear boundary wall of his house causing damage to the tune of Rs. 50,000/-, and on protest, they slapped him and appellant Gopal Sah assaulted on his head by means of rod, but he intercepted the assault and sustained injury in his left hand and when his parents rushed in his rescue, they shoved them and Gopal Sah slating the informant in the name of his caste asked him to leave the land and made good escape.

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 land dispute. As a matter of fact, father of the appellant had obtained land in question having boundary wall in exchange from Madhya Vidyalaya, Narhan through its Headmaster in the year 1996 and he is in possession thereof and while the appellant dismantled his old boundary wall standing on the said land in order to raise new boundary wall, the informant has lodged this false and frivolous case against the appellant and others. Informant has not sustained injury in the occurrence. Slating the informant in the name of his caste is said to have been made at the house of the informant 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 cum Special Judge, SC/ST (PoA) Act, Samastipur in connection with Samastipur SC/ST P.S. Case No. 21 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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