

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3796 of 2019**

Arising Out of PS. Case No.-146 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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Kishori Raut Son of Shiv Lagan Raut Resident of Village - Mohalla -  
Gannipur University Campus, P.S.- University, Distt - Muzaffarpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Asharfi Ram Son of Late Sukhdeo Ram Resident of Village - Bethnadih,  
P.S.- Karza, Distt - Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Gajendra Kumar Singh  
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3      01-10-2019                      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 05.08.2019 passed by learned 6<sup>th</sup> Addl.  
Sessions Judge cum Special Judge, SC/ST (PoA) Act,  
Muzaffarpur in Complaint Case No. 146 of 2018 registered  
under Sections 341, 323 of the Indian Penal Code and Section  
3(1)(x) of the Scheduled Castes and Scheduled Tribes  
(Prevention of Atrocities) Act.

The complainant was working in the house of the



appellant to take care of his cow on the salary of Rs. 6000/- but, the appellant accorded him only Rs. 1000/- per month. On working for ten months, when the complainant demanded his rent Rs. 50,000/- from the appellant, all the accused persons slated him in the name of his caste, and on making protest, they slapped him and spat on him and obtained his signature on the blank papers and made him to leave the house.

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 ulterior motive. As a matter of fact, the complainant was not engaged by the appellant as labourer in his house as the appellant happens to be poor person having no capacity to engage any labour and afford his salary. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Slating the complainant in the name of his caste is said to have been made at the house of the appellant 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 6<sup>th</sup> Addl. Sessions Judge cum Special Judge, SC/ST (PoA) Act, Muzaffarpur in Complaint Case No. 146 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)**

rohit/-

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