

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3784 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- BIDUPUR District- Vaishali

1. Ram Ekbal Singh Son of Late Jang Bahadur Singh Resident of Village - Govindpur, P.S.- Bidupur, District- Vaishali
2. Devendra Singh Son of Late Dangar Singh Resident of Village - Govindpur, P.S.- Bidupur, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mauli Chaurasia

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 06-09-2019 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 30.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in Bidupur P.S. Case No. 47 of 2019 registered under Sections 341, 342, 147, 149, 323, 348, 504, 307, 506 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Son of the informant was apprehended by the three



F.I.R. named accused persons including the appellants and 20-25 unknown miscreants blaming him thief and were taken at the house of Ward Member Radhika Devi and assaulted tying him with electric poll and was slated.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. 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 son of the informant in the name of his caste, and moreover, said slating is said to have been made in the house of Radhika Devi and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Victim has not sustained injury in the occurrence. Moreover, learned court below has also not mentioned about injury report after perusing the case diary in the impugned order. 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 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 47 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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