

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3848 of 2019

Arising Out of PS. Case No.-73 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

-
1. JASMUDDIN ANSARI S/o Khalil Ansari Resident of Village- Sabeya Kalan, P.S.- Sirisiya (O.P.), District- West Champaran.
 2. Shahana Khatoon W/o Jasmuddin Ansari Resident of Village- Sabeya Kalan, P.S.- Sirisiya (O.P.), District- West Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bal Kr. Ram S/o Late Ram Awtar Ram R/o Village- Tadhwa Nandpur, P.S.- Bairiya, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhileshwar Kumar Shrivastva
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-10-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POSCO Act), Bettiah, West Champaran in connection with Complaint Case No. 73 of 2017, Tr. No.81 of 2019 registered under Sections



323, 504 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants arriving at the saw mill asked the complainant to slit the wooden log clandestinely taking some money from them. On refusal by the complainant they slated him in the name of his caste and spat on his face and slapped him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, several cases are pending between the appellants and one Ramchatri Prasad, who happens to be his next door neighbour and said Ramchatri Prasad has got this false and frivolous case lodged through the complainant who happens to be labourer of the saw mill of his brother-in-law namely Rajdeo Prasad to amounts pressure upon them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is delay of two days in filing the complaint petition without assigning any plausible explanation for the said delay. Informant has not sustained any injury in the occurrence.

Learned Spl. PP for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POSCO Act), Bettiah, West Champaran in connection with Complaint Case No. 73 of 2017, Tr. No.81 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

amit/-

U		T	
---	--	---	--

