

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3823 of 2019

Arising Out of PS. Case No.-122 Year-2019 Thana- PARSA District- Saran

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1. DINESH RAI Son of Shri Rai @ Shri Bhagwan Rai Resident of Village- Azampur, Police Station- Parsa, District- Saran (Chapra)
 2. Akhilesh Kumar Son of Dinesh Rai Resident of Village- Azampur, Police Station- Parsa, District- Saran (Chapra)

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachida Nand Rai
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 25-09-2019 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 30.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Parsa P.S. Case No. 122 of 2019 registered under Sections 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Three named accused persons including the appellants assaulted the informant by means of fists and slaps and slated her in the name of her caste over tying her she-goat in the Pipal tree.

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 petty dispute over tying she-goat by the informant in the Pipal tree where the appellants and villagers perform the worship. Informant has not sustained any injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of four days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent.

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 the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Parsa P.S. Case No. 122 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)

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