

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3851 of 2019

Arising Out of PS. Case No.-300 Year-2018 Thana- VAISHALI District- Vaishali

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ASHOK KUMAR @ ASHOK @ ASHOK RAY Son of Rajendra Ray
Resident of Village - Bahsi Saidpur, P.S.- Jandaha, District- Vaishali at
Hajipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sachin Kumar

For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 12-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 12.07.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Hajipur, Vaishali in Vaishali P.S. Case No.
300 of 2018 registered under Sections 353, 504 and 506/34 of
the Indian Penal Code and Section 3(i)(r)/3(i)(s) of the SC/ST
Act.

Over chiding the appellant and co-accused Dhiraj
Kumar by the informant for transporting patients in the private
nursing home and also demanding money from the patients,
aforesaid accused persons slated the informant in the name of



his caste and also extended threatening.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to ulterior motive. Allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Moreover there is no allegation of slating the informant in the specific name of his caste against the appellant, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent. Similarly situated co-accused namely Dhiraj Kumar @ Dhiraj Singh @ Dhiraj Kumar Singh has been enlarged on anticipatory bail by this Court vide order dated 08.07.2019 passed in Cr. Appeal (SJ) No. 1940 of 2019.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to 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 the learned 1st Addl. Sessions Judge cum Special Judge, Hajipur, Vaishali in connection with



Vaishali P.S. Case No. 300 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)

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