

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3954 of 2019**

Arising Out of PS. Case No.-118 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Jai Ram Chaudhary Son of Late Umakant Chaudhary Resident of Village - Kishanpur Tabhka, P.S.- Bibhutipur, Dist.- Samastipur.
 2. Kameshwar Chaudhary Son of Late Yogendra Chaudhary Resident of Village - Kishanpur Tabhka, P.S.- Bibhutipur, Dist.- Samastipur.
 3. Amod Chaudhary @ Jhathu Chaudhary Son of Late Devkant Chaudhary Resident of Village - Kishanpur Tabhka, P.S.- Bibhutipur, Dist.- Samastipur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rama Paswan Son of late Ram Kishun Paswan Resident of Village - Bambaiya Harlal, Ward No.4, P.S.- Dalsingsarai, Dist.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umanath Mishra
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 21-10-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 19.8.2019 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Protest cum Complaint Case No. 118 of 2018, in which cognizance has been taken under Section



323 of the Indian Penal Code and also under Section 3 (1) (r) (s), 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated the complainant in the name of his caste and assaulted him over repairing of the boring of Raj Kishore Thakur by the complainant and also snatched his tools.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, Title suit No. 80 of 2004 and Title suit No. 241 of 2014 are pending between the appellants and Raj Kishore Thakur and the said Raj Kishore Thakur has got lodged this false and frivolous case through complainant against the appellants in order to harass them. After investigation of the case, I.O. has submitted final form against the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Complainant has not sustained any injury in the occurrence. Appellants have been languishing in custody since 19.08.2019.

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

In the facts and circumstances of the case, the



above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Protest cum Complaint Case No. 118 of 2018.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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