

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3933 of 2019

Arising Out of PS. Case No.-291 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. Chandradeo Pandit Son of Bhulan Pandit Resident of Village-Panchrukhi, P.S.-Motipur, District-Muzaffarpur.
2. Malati Devi Wife of Chandradeo Pandit Resident of Village-Panchrukhi, P.S.-Motipur, District-Muzaffarpur.
3. Ajay Kumar Son of Chandradeo Pandit Resident of Village-Panchrukhi, P.S.-Motipur, District-Muzaffarpur.
4. Vijay Kumar Son of Chandradeo Pandit Resident of Village-Panchrukhi, P.S.-Motipur, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-09-2019 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 16.08.2019 passed by learned Special Judge, SC/ST Act, Muzaffarpur in Motipur P.S. Case No. 291 of 2019 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Informant is cultivating land of Baidnath Prasad and five accused persons including the appellants always slat and assault him. On the date of occurrence, when the informant rushed to fell Banana and Simar tree, all the accused persons slated him in the name of his caste, and on protest made by the informant, they assaulted him. When his wife rushed in his rescue, appellant Malti Devi also assaulted her blaming her dian and Chandradeo Pandit and Ajay Kumar stripped off her attire.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, there is land dispute between Baidnath Prasad and the appellants. Proceeding under Section 107 Cr.P.C. has also been initiated between Baidnath Prasad and the appellants at the instance of appellant no. 3 Malati Devi. Proceeding under Section 107 Cr.P.C. has been initiated against the informant and his family members. Said Baidnath Prasad has got this false and frivolous case lodged against the appellants through his labour (informant) in order to harass them. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. 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 Special Judge, SC/ST Act, Muzaffarpur in connection with Motipur P.S. Case No. 291 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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