

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3942 of 2019

Arising Out of PS. Case No.-1608 Year-2016 Thana- COMPLAINT CASE District- Jamui

1. NARESH SINGH @ RAM NARESH SINGH S/o Late Ramdhan Singh R/o village- Kenuhat, P.S.- Laxmipur, Distt.- Jamui
2. Mekul Singh @ Ankit Kumar @ Mekal Singh S/o Ram Naresh Singh @ Nresh Singh R/o village- Kenuhat, P.S.- Laxmipur, Distt.- Jamui
3. Manish Singh @ Kumar Manish Singh S/o Ashok Kumar Singh @ Ashok Singh R/o village- Kenuhat, P.S.- Laxmipur, Distt.- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Manjhi S/o Late Ram Bhajju Manjhi R/o Kenuhat, P.S.- Laxmipur, Distt.- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amresh Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 24-10-2019 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 16.08.2019 passed by learned 1st Additional Sessions Judge, Jamui in connection with SC/ST Case No. 80 of 2019, arising out of Compl. Case No.1608C of 2016 registered under Sections 323, 504, 307/34 of the Indian Penal Code and



Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants slating the informant in the name of his caste arrived near his house. Scaring him, the informant entered into his house but the appellants caught hold him and dragged him from his house and shoving him on the ground started assaulting him. Appellant Mekul Singh assaulted on his head by means of rod while other appellants assaulted him by means of leg and danda and when Ghutar Manjhi rushed in his rescue, Manish Singh assaulted him by means of danda.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, on their agreement to sale the land located in front of the house of complainant to Brahma Manjhi on refusal by the complainant to purchase the same, complainant lodged this false case against the appellants. Sister of the complainant has also lodged case against the appellants in which final form has been submitted and proceeding under Section 107 Cr.P.C. was also pending between the appellant Ram Naresh Singh and sister of complainant. None has sustained injury in the occurrence. There is inordinate delay of seven days in filing the complaint petition by the complainant without assigning any plausible



explanation for the said delay. Moreover, the parties to the case have compromised the matter.

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 Addl. Sessions Judge, Jamui in connection with SC/ST P.S. Case No.80 of 2019, arising out of compl. Case no.1608C of 2016, 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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