

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4144 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SC/ST District- Supaul

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Birbal Mukhiya S/o Rama Mukhiya Resident of Village- Katahara, P.S.-
Kishanpur, District- Supaul.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vivek Kumar

For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 14-11-2019 Heard learned counsel for the appellant 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 for bail vide order dated 06.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Supaul in connection with SC/ST Case No.29 of 2019 arising out of Supaul P.S. Case No. 13 of 2019 registered under Sections 341, 342, 323, 354 B & 504/34 of the Indian Penal Code and Section 3(1) (a) (r) (s) (wi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant stepped out of her house for



defecation co-accused Ganesh Swarnkar tried to outrage her modesty and slated her in the name of caste and on hulla made by the informant seven named accused persons including the appellant arrived there and assaulted her and tore her attire slating her in the name of caste. When her family members rushed in her rescue they also assaulted them. They snatched the golden chain and cash of Rs.10,000/- of her relative by tying with the peg on the door of Ganesh Swarnkar.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to land dispute and village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is inordinate delay of five days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Allegation of theft is super addition. Appellant has no criminal antecedent and has been languishing in custody since 02.08.2019.

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

In the facts and circumstances of the case, the



above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Supaul in connection with SC/ST Case No.29 of 2019 arising out of Supaul P.S. Case No. 13 of 2019.

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

(Prakash Chandra Jaiswal, J)

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