

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4148 of 2019

Arising Out of PS. Case No.-189 Year-2018 Thana- MOHIUDDIN NAGAR District-
Samastipur

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NITISH KUMAR @ NITESH KUMAR RAI Son of Ashok Rai Resident of
Village- Bishanpur Beri, Matior, Police Station- Mohiuddin Nagar, District-
Samastipur. Appellant

Versus

The State of Bihar Respondent

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Appearance :

For the Appellant/s : Mr.Lakshmindra Kumar Yadav

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 05-11-2019 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 of anticipatory bail
vide order dated 29.07.2019 passed by learned 1st Additional
Sessions Judge, Samastipur in connection with Mohiuddin
Nagar P.S. Case No. 189 of 2018 registered under Sections 447,
341, 323, 307, 504/34 of the Indian Penal Code, Section 27 of
the Arms Act and Section 3(1) (r), 3 (1) (s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over bursting crackers by the son of the
informant, accused Vimal Rai along with three unknown
miscreants arriving at the house of informant slated her husband



in the name of his caste and accused Vimal Rai resorted firing which hit in the chest of the informant.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He is not named in the F.I.R. He has been falsely implicated in the case by the informant during course of investigation due to animosity. Appellant does not happen to be the assailant. Moreover, the informant has sustained only simple injury of abrasion caused by hard blunt substance. Slating the informant in the name of caste is said to have been made at her house and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 learned 1st Addl. Sessions Judge, Samastipur in connection with Mohiuddin Nagar P.S. Case No.189 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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