

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3984 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- SC/ST District- Samastipur

GAUTAM KUMAR Son of Ramchandra Mahto Resident of Village -
Murgiachak, P.S.- Khanpur, Distt - Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bal Bhushan Choudhary
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 25-09-2019 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 24.06.2019 passed by learned 1st Additional
Sessions Judge, Samastipur in connection with SC/ST P.S. Case
No. 15 of 2019 registered under Sections 341, 323, 448, 354,
379 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant intruding into the house of the



informant in the night tried to shove her on the ground lifting in his lap with bad intention and on hulla made by her he left the house slating her in the name of her caste and slapping her. He also snatched her golden locket. When the informant arrived at the house of the appellant to make complain to his father, both the appellant and his father made her to leave the house slating her in the name of her caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, appellant is having land adjacent to the house of the informant and informant wants to grab the said land of the appellant and on protest she has filed this false and frivolous case against him in order to harass him. The allegation of slating the informant in the name of caste is said to have been made in the house of the appellant and the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The allegation of theft is super addition. There is abnormal and inordinate delay of 10 days in lodging the F.I.R. without assigning any plausible explanation for the said delay.

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 the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Samastipur in connection with SC/ST P.S. Case No. 15 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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