

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3992 of 2019**

Arising Out of PS. Case No.-74 Year-2018 Thana- SC/ST District- Kaimur (Bhabua)

1. MAHENDRA PRAJAPATI Son of Late Ghurfekan Prajapati @ Ghurfekan Prasad Resident of Sonaw (Gangapur), P.S.- Durgawati, District- Kaimur at Bhabhua.
2. Amit Prajapati Son of Jawahar Prajapati Resident of Sonaw (Gangapur), P.S.-Durgawati, District-Kaimur at Bhabhua.
3. Awadesh Prajapati Son of Late Ramdev Prajapati Resident of Sonaw (Gangapur), P.S.-Durgawati, District-Kaimur at Bhabhua.
4. Banarsi Prajapati Son of Late Ram Sakal Prajapati Resident of Sonaw (Gangapur), P.S.-Durgawati, District-Kaimur at Bhabhua.
5. Hari Narayan Prajapati Son of Late Ram Sakal Prajapati Resident of Sonaw (Gangapur), P.S.-Durgawati, District-Kaimur at Bhabhua.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 25-09-2019 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 cum Special Judge SC/ST Act, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 74 of 2018



registered under Sections 147, 149, 341, 323, 448, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was sitting in her courtyard six named accused persons including the appellants descended there and slated her in the name of her caste over passing through their land and on protest made by the informant appellant no.1-Mahendra Prajapati slapping her shoved on the ground. Then all the accused persons assaulted her. They left the scene on arrival of the villagers extending threatening of dire consequence in case of lodging case against them.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellants have been falsely implicated in the case due to land dispute. Preceding to the case under hand, appellant no.1 Mahendra Prajapati lodged an informatory petition before the S.D.J.M., Kaimur against the husband of the informant and others. Informant has not sustained injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The allegation of slating is said to have been made in the house of the informant and not in public view, hence no offence under SC/ST Act is made out



against the appellants. There is inordinate delay of four days in lodging the F.I.R. without assigning any plausible explanation for the said delay. Appellants have 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 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 Additional Sessions Judge cum Special Judge SC/ST Act, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 74 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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