

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4076 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- DANIYAWAN District- Patna

Chandan Kumar @ Rajnikant Kumar Son of Sri Jeetendra Kumar @ Jitendra Kumar @ Jitendra Ravi Das Resident of Village and P.S.- Daniawan, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nitesh Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 19-11-2019 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 21.08.2019 passed by learned Additional Sessions Judge- XIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.356 of 2019, arising out of Daniyawan P.S. Case No.113 of 2019 registered under Sections 354, 341, 323, 504 & 506 of the Indian Penal Code and Section 3(1) (xi) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant along with two named and 12-13 unknown miscreants teases the girls in course of proceeding to school and on way to their house. They also stalked them and extended threatening of their kidnapping.

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 dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no specific allegation of slating the informant against the appellant. Appellant happens to be member of the scheduled caste community, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent and has been languishing in custody since 25.07.2019. Similarly situated co-accused, namely, Nikki Kumar has been enlarged on bail by this Court vide order dated 27.09.2019 passed in Cr. Appeal (SJ) No. 4097 of 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 Additional Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in connection with Special Case No.356 of 2019, arising out of Daniyawan P.S. Case No.113 of 2019.

However, the learned lower Court shall be at liberty to cancel the bail bond of the appellant finding his indulgence in such type of activity in future.

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

(Prakash Chandra Jaiswal, J)

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