

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4027 of 2019**

Arising Out of PS. Case No.-415 Year-2019 Thana- HILSA District- Nalanda

1. Nitish Kumar Son of Sri Dinesh Prasad Resident of Village - Yarpur, P.S.-
Hilsa, District- Nalanda
2. Dinesh Prasad Son of Late Durga Mahto Resident of Village - Yarpur, P.S.-
Hilsa, District- Nalanda

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 26-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 29.8.2019 passed by learned 1st Addl. Sessions
Judge, Nalanda at Biharsharif in Hilsa P.S. Case No. 415 of
2019 registered under Sections 341, 323, 354(A)/34 of the
Indian Penal Code and Section 3(x)(G)(H) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was proceeding to offer
worship, on the way, appellants along with six unknown



miscreants slated him in the name of his caste and appellant Nitish Kumar assaulted him by means of butt of the pistol. When his wife rushed in his rescue, they also assaulted her. Appellant Dinesh Prasad tore her blouse and when Hiramani Devi and Nitu Kumari rushed in their rescue, they also assaulted and slated them in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the informant is indulged in the illegal trade of liquor, and on the information given by the appellant Nitish Kumar, Hilsa P.S. Case No. 410 of 2019 has been lodged against the informant and others on 12.08.2019 and being peeved with the said case, informant has lodged this false and frivolous case against the appellants on 15.08.2019 without disclosing any date of occurrence in the written report. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has not sustained injury in the occurrence. Barring one more case lodged by the daughter-in-law of the informant against the appellants, appellants have no criminal antecedent and they have been enlarged on bail in the said case.

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



In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Nalanda at Biharsharif in Hilsa P.S. Case No. 415 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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