

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3950 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- SC/ST District- Nalanda

Tejnarayan Roy @ Tej Naryan Rai S/o Late Ram Prawesh Ray R/o village-
Dyaman (Badaka Diha), P.S.- Kishnabarham, District- Buxar

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Lakshmi Kant Sharma, Adv. Mr. Rakesh Kumar Sharma, Adv. Mr. Amresh Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

2 17-09-2019 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 28.08.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Biharsharif (Nalanda) SC/ST Case No.30 of 2019 registered under Sections 302, 120 B and 34 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) (v) (a) (va) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act.

The daughter of co-accused Naresh Sao was kidnapped by Dharmendra Kumar, son of Bilas Ravidas. For the said kidnapping a case under Section 366 IPC was lodged and in the said case father of the informant was taken to the P.S. by S.H.O., ASI and Chaukidar as named in the written report and assaulted badly at the instance of said Naresh Sao and three other accused persons named in the written report resultantly his father died at the P.S.. When the informant along with others arrived at the P.S. in search of his father S.H.O. Kamlesh Kumar and ASI Balindra Rai slated them in the name of caste and made them to escape the P.S. and did not allow to meet his father.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because he happens to be I.O. of Nagarnausa P.S. Case No.77 of 2019 registered under Section 366 A/34 IPC regarding kidnapping of the daughter of co-accused Naresh Sao. Appellant is not named in the F.I.R. and there is no allegation of slating the informant and others or assaulting his father against the appellant. The appellant was also not present at the P.S. at the time of occurrence rather he had gone to the village in investigation of



other case. Some witnesses have named the appellant in the occurrence later on, in quite contradiction to the prosecution case, as an afterthought to falsely implicate the appellant in the case in order to harass him. The allegation levelled against the appellant is not specific rather general and omnibus in nature. 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 the learned 1st Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Bihar Sharif (Nalanda) SC/ST Case No.30 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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