

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4124 of 2019

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

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1. SANTOSH LALDEO, aged about 24 years, Gender-Male, S/o Nand Kishore Laldeo
 2. Indal Laldeo @ Indra Laldeo, aged about 28 years, Gender-Male, S/o Vidya Laldeo R/o village- Parri, P.S.- Bahadurpur, District- Darbhanga
 3. Mohan Laldeo, aged about 30 years, Gender-Male, S/o Late Niranjana Laldeo All resident of vilalge- Parri, P.S.- Bahadurpur, District- Darbhanga

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Adv.
For the Respondent/s : Mr. Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 16-11-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for anticipatory bail by order dated 23.08.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga, in connection with A.B.P. N0. 1472 of 2019 arising out of Darbhanga SC/ST P.S. Case No. 15 of 2019, registered under Sections 324, 323, 341, 504/34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) of SC /ST (POA) Act.

Informant Binod Ram in his written complaint has



stated that on 11.02.2019 at about 7 :00 P.M. at the time of immersion of idol near the house of Munna Mishra accused Santosh Lal Dev started abusing him by his caste name and also assaulted him and thereafter also assaulted him by knife on his head as a result of which he sustained head injury and took away Rs. 500/- from his pocket thereafter Indal Lal Dev and Mohan Lal Dev came there and abused him by his caste name.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case and retaliation of case lodged by the mother of appellant no.1 against the informant as he tried to outrage her modesty for which FIR was instituted against the informant on 16.02.2019. The present incident is of 11.02.2019 but informant has lodged the FIR on 18.02.2019. There is case and counter case. Allegation made do not constitute any offence under SC/ST Act as they are general and omnibus and not specific. Appellant no.1 has one criminal antecedent in which he has granted bail whereas appellant nos. 2 and 3 have no criminal antecedent.

Considering the facts and circumstances of the present case, let appellants, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bonds shall be cancelled by the court below.
- (3) If the appellants tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

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

(S. Kumar, J)

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