

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4108 of 2019**

Arising Out of PS. Case No.-254 Year-2018 Thana- MAHUA District- Vaishali

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1. CHANDRA PRAKASH S/o Ved Prakash Patel R/o Village- Kanhauli Vishunaparasi, P.S.- Mahua, District- Vaishali
 2. Satya Prakash S/o Ved Prakash Patel R/o village- Kanhauli Vishunaparasi, P.S.- Mahua, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 05-11-2019 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, Vaishali at Hajipur in connection with Mahua P.S. Case No. 254/2018 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Four named accused persons including the appellants arrived at the site of construction of road and drainage. Accused Manoj Patel slated the informant in the name of his caste and demanded extortion and got the construction work stopped and made the labourer to leave the place. On protest made by the informant, all the accused persons slated him in the name of his caste and assaulted him by means of leg and fist. Accused Manoj Patel pressed his neck, however he was saved by the locals. Appellant Satya Prakash snatched Rs.12,400/- from the pocket of the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case merely because they happen to be the nephew of Manoj Patel, who made objection against carrying of construction of road and drainage by informant in front of his house encroaching his land. Informant has not sustained any injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is a case and counter case between the parties. There is delay of three days in lodging the case 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 Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No.254 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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