

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4097 of 2019

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

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Nikki Kumar S/o Jitendra Kumar @ Jyotish Ram @ Jotis Ram Resident of
Village- Daniyawar, P.S.- Daniyawar, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 27-09-2019 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 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
Daniyawar 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 on the way to school and back to their houses. They also stalk them and slat and extend 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 allegation of slating the girls in the name of their caste against the appellant, 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.

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 Daniyawar 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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