

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4095 of 2019

Arising Out of PS. Case No.-278 Year-2019 Thana- MASHRAK District- Saran

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1. Deepak Kumar, Male, 26 years, Son of Shivji Rai.
 2. Manoj Kumar Ray @ Manoj Ray @ Manoj Kumar, Male 36 years, Son of Anant Ray.
 3. Ajay Kumar @ Ajay Prasad Yadav, male, 28 years, Son of Late Ramdeo Rai, All are resident of Village - Gandaman, P.S.- Mashrak, District.- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh, Adv.
For the Respondent/s : Mr.Usha Kumari 1(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 22.08.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran, Chapra, in connection with A.B.P. N0. 2569 of 2019 arising out of Masrakh P.S. Case No. 278 of 2019, registered under Sections 147, 148, 341, 323, 354(B), 307, 504, 506 of the Indian Penal Code and Sections 3(r)(s),(z)(A)(C) of SC /ST Act.

Informant Birendra Ram in his written complaint has alleged that his daughter Khusbu Kumari who is class 8th



student goes to school on cycle and on 05.07.2019 when his daughter was returning from school then accused Bablu Kumar Yadav misbehaved with her and on previous occasions also he misbehaved with her daughter but in spite of complaint being made against him to her family members he did not improve himself and on the date of occurrence he and his family members were going to his residence when they met them in the market and when he made complaint, Bablu Yadav started assaulting him by lathi and also assaulted his son Abhisekh Kumar on his head causing head injury thereafter his family members Deepak Kumar, Suraj Kumar, Sanjeev Kumar, Ajay Kumar, Dharmendra Kumar, Sunil Kumar Rai, Manoj Rai, Tinku Rai and Rakesh Rai assembled there and abused him by his caste name and threatened to kill him and thereafter all FIR named accused in his presence assaulted his son and he took his son to Government Hospital where he is being treated and subsequently referred to P.M.C.H.

It has been submitted on behalf of the appellants that they have been falsely implicated in this case and they are not family members of Bablu Kumar Yadav. The allegations against them is omnibus and general in nature and there is no specific allegation against them in order to constitute any



offence under SC/ST Act. There is case and counter case and nature of injury sustained by the son of informant is simple in nature. Appellants 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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