

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4173 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- BACHHWARA District- Begusarai

=====

AMIT KUMAR @ AMIT DAS Son of Rajendra Das Resident of Village +
P.S.- Bachwara, District - Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey
For the Respondent/s : Mr.Usha Kumari 1

=====

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

ORAL ORDER

2 01-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 31.08.2019 passed by learned Special Judge, SC/ST Act, Begusarai in Bachhwara P.S. Case No. 89 of 2019 registered under Sections 341, 323, 427, 354B and 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

While informant was proceeding to Kali Temple to offer worship on the occasion of marriage, eight named accused persons including the appellant arriving on the motorcycle tried to drag his daughter, but she was saved by the womenfolk present there. Later on aforesaid accused persons



arriving at the house of the informant damaged furniture, etc. and Chotu assaulted on the leg of Naresh Sada and his wife by means of lathi making them injured. They also slated him in the name of his caste.

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. Informant has not sustained any injury in the occurrence. Moreover appellant does not happen to be assailant. Slating the informant in the name of his caste is said to have been made at the house of the informant and not in public view and appellant happens to be member of the Scheduled Caste community, 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 31.08.2019.

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Begusarai in connection with Bachhwara P.S. Case No. 89 of 2019.

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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

