

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4500 of 2019

Arising Out of PS. Case No.-281 Year-2018 Thana- GOPALPUR District- Patna

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1. MANISH KUMAR Son of Sitab Ray Resident of Village - Bariya, P.S.- Gopalpur, Distt.- Patna.
 2. Raushan Kumar @ Rakesh Raushan Son of Asharfi Ray Resident of Village - Bariya, P.S.- Gopalpur, Distt.- Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rudal Singh

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 15-11-2019 Heard learned counsel for the appellants 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 anticipatory bail vide order dated 03.07.2019 passed by learned Addl. Sessions Judge-XIII cum Special Judge, SC/ST Act, Patna in Gopalpur P.S. Case No. 281 of 2018 registered under Sections 147, 148, 149, 447, 341, 323, 308, 427, 380, 448, 504 and 506 of the Indian Penal Code and Section 3(1)(w) of the SC/ST Act.

Nine named accused persons including the appellants and 4-5 unknown miscreants are said to have arrived at the house of the informant armed with weapons and intruding into



her house started damaging household articles and assaulted the informant and her gotni and tore her attire and snatched her ornaments and cash. Co-accused Pankaj Kumar was apprehended by the villagers during the course of occurrence. Earlier to the aforesaid occurrence, co-accused Pankaj Kumar arriving at the house of the informant had extended threatening of torching her house and slated her in the name of her caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, prosecution side had brutally assaulted Pankaj Kumar and regarding the aforesaid assault father of Pankaj Kumar has lodged Gopalpur P.S. Case No. 282 of 2018 against the informant and others and due to the aforesaid reason informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. Slating the informant in the name of her caste by said Pankaj Kumar is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against said Pankaj Kumar. Allegation of theft is super addition. Appellants have no criminal antecedent.



Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XIII cum Special Judge, SC/ST Act, Patna in connection with Gopalpur P.S. Case No. 281 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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