

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4277 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- PARAIYA District- Gaya

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1. HASSAN MIAN Son of Elyas Mian Resident of Village- Sudhani, P.S.- Paraiya, District- Gaya.
 2. Aslam Mian Son of Hassan Mian Resident of Village-Sudhani, P.S.-Paraiya, District-Gaya.
 3. Nazim Mian Son of Hassan Mian Resident of Village-Sudhani, P.S.-Paraiya, District-Gaya.
 4. Mina Pravez Mina Son of Hassan Mian Resident of Village-Sudhani, P.S.- Paraiya, District-Gaya.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kunwar Narayan Jamuar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-10-2019 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 10.07.2019 passed by learned Exclusive Special, S.C./S.T, Gaya in connection with Paraiya P.S. Case No. 20 of 2019 registered under Sections 323, 452, 354 (b), 506 of the Indian Penal Code and Section 3(i) (r) (w) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants hurled the bone on the roof of the informant and on protest made by the informant slated her in the name of caste which was intervened by the villagers. Thereafter, all the appellants intruding into the house of the informant dragged her and appellant no.1 tore her blouse slating her in the name of caste and assaulted her. They also assaulted her son and extended threatening to her husband on the subsequent date arriving at her house.

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 due to land dispute. As a matter of fact, appellant no.2 had filed a case against the husband of the informant and others in the Court of DCLR which was decided in favour of the appellants and due to the aforesaid grudge the informant has lodged this false and frivolous case against them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. 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 Exclusive Special Judge S.C./S.T, Gaya in connection with Paraiya P.S. Case No. 20 of 2019, 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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