

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4175 of 2019**

Arising Out of PS. Case No.-245 Year-2019 Thana- MAHUA District- Vaishali

Shreekant Rai @ Shreekant Kumar Son of Kishori Rai Resident of Village-
Alipur Mukund, P.S.- Mahua, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anish Chandra
For the Respondent/s : Mr. Sadanand Paswan

**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
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 06.08.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Vaishali at Hajipur in
Mahua P.S. Case No. 245 of 2019 registered under Sections 147,
341, 323, 324, 325, 307, 504 of the Indian Penal Code and
Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Co-accused Nitesh Kumar and Dilip Kumar created
nuisance in the marriage of niece of the informant and slated the



informant and others in the name of their caste. On the date of occurrence, while the informant was proceeding to his work, five named accused persons including the appellant slating him in the name of his caste assaulted on his head by means of rod inflicted head injury to him and when his nephew rushed in his rescue, they also assaulted him on his head and when his mother rushed in their rescue, they also assaulted her and broken her hand. Thereafter, they left the scene on arrival of the villagers.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, the appellant was badly assaulted by the informant and others and was hospitalized and on the basis of fardbeyan of the appellant recorded in the emergency ward, Mahua P.S. Case No. 275 of 2019 has been lodged against the informant and others and in order to save his skin from the said case, the informant has lodged this false and frivolous case against the appellant and others. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is inordinate delay of three days in lodging the FIR without assigning any plausible explanation for the said delay. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Vaishali at Hajipur in Mahua P.S. Case No. 245 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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