

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4256 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- DINARA District- Rohtas

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SANTOSH SINGH Son of Sat Vijay Singh Resident of Village - Jamrodh,
P.S.- Dinara, District - Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 16-10-2019 Heard learned counsel for the appellant 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 23.08.2019 passed by learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Dinara P.S. Case No. 157 of 2019 registered under Sections 341, 323, 354, 379, 506 & 504 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant arriving at the house of the informant in



the midnight started slating her husband and when the informant stepped out of the house to awake her husband the appellant slated her in the name of caste at the door and on protest made by the informant shoved her on the ground and fisted her inflicting head injury to her. He also tore her blouse. She got herself treated in the hospital.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, there was brawl between the informant and her agnate and the appellant had intervened the aforesaid occurrence resultantly the informant has lodged this false and frivolous case against the appellant due to aforesaid grudge. Injury sustained by the informant is simple in nature. As per the prosecution, informant got herself treated on the date of occurrence on 19.06.2019 but the injury report indicates that she was examined on 21.06.2019, which creates serious doubt about the prosecution case. Slating the informant is said to have been made in the midnight at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Dinara P.S. Case No. 157 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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