

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4315 of 2019

Arising Out of PS. Case No.-258 Year-2019 Thana- TARAIIYA District- Saran

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1. UPENDRA SINGH Son of Sri Kameshwar Singh Resident of Village - Ardeva, P.S.- Taraiya, Distt - Saran.
 2. Rita Devi Wife of Upendra Singh Resident of Village - Ardeva, P.S.- Taraiya, Distt - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kr Singh No.1
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-10-2019 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 27.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran in Taraiya P.S. Case No. 258 of 2019 registered under Sections 341, 323, 354 and 379/34 of the Indian Penal Code and Section 3(r)(w) of the SC/ST Act.

While the informant had gone to Kameshwar Singh (father of appellant no.1) to accord him money of the Sisam tree, appellants demanded money from the informant and on refusal made by the informant, appellant no.1 Upendra Singh slated her in the name of her caste and shoving her on the



ground snatched her Rs.26000/-.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, there is dispute between the father of the appellant no.1 namely Kameshwar Singh and the said appellant and said Kameshwar Singh has lodged this false and frivolous case against the appellants through her staff. Informant has not sustained any injury in the occurrence. Slating the informant in the name of her caste is said to have been made at the house of the appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. Allegation of theft is super addition. There is inordinate and abnormal delay of 12 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. 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 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran in connection with Taraiya P.S. Case No. 258 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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