

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4471 of 2019

Arising Out of PS. Case No.-336 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. PAPPU MALI Son of Raj Kumar Malakar Resident of Village - Bhadeja, P.S.- Mofasil, District - Gaya.
2. Santosh Mali Son of Sahdeo Malakar Resident of Village - Bhadeja, P.S.- Mofasil, District - Gaya.
3. Sunil Mali Son of Dinesh Malakar Resident of Village - Bhadeja, P.S.- Mofasil, District - Gaya.
4. Abhishek Malakar Son of Rajesh Malakar Resident of Village - Bhadeja, P.S.- Mofasil, District - Gaya.
5. Ravi Malakar Son of Awadh Kishor Malakar Resident of Village - Bhadeja, P.S.- Mofasil, District - Gaya.
6. Jairam Malakar Son of Late Laxmi Malakar Resident of Village - Bhadeja, P.S.- Mofasil, District - Gaya.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar Sinha
For the Respondent/s : Mr. Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-10-2019 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 07.09.2019 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Muffasil



P.S. Case No. 336 of 2019 registered under Sections 147, 148, 324, 325, 307, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was regressing to his house after dropping his daughter in the school, nine named accused persons including the appellants intercepted him on the way and co-accused Birendra Malakar slating him in the name of caste exhorted other accused persons to assault him whereupon all the accused persons assaulted him. When his mother and neighbour Pratima Kumari rushed in his rescue, Birendra Malakar resorted firing inflicting injury to his mother and Pratima Kumari.

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 dirty village politics. There is no allegation of slating the informant in the name of his caste against the appellants. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. The learned lower Court has not mentioned any injury on the person of the informant in the impugned order after perusal of the case diary. 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 (SC/ST Act), Gaya in connection with Muffasil P.S. Case No. 336 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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