

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4466 of 2019**

Arising Out of PS. Case No.-77 Year-2010 Thana- SC/ST District- Munger

Vinod Modi Son of Radhe Modi Resident of Village- Singhchak, P.S.- Kiul,
District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Narsingh Tanti
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 17-10-2019 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 21.09.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Lakhisarai in Munger
SC/ST P.S. Case No. 77 of 2010 registered under Sections 420,
409, 341, 323, 504, 427, 406 of the Indian Penal Code and
Section 3(x)(xi) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant, who happens to be Mukhiya taken Rs.
7,500/- from the informant against receipt for construction of



house for him under Indira Awas Scheme but, neither he construct the house nor returned his money, and on call, when the informant along with his wife arrived at his house, he along with his family members slated them in the name of their caste and assaulted them and made them to leave the house.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics as he happens to be local Mukhiya. Appellant has not taken any money from the informant. Allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slating the informant and his wife in the name of their caste is said to have been made at the house of the appellant and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Parties to the case have compromised the matter.

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, Lakhisarai in Munger SC/ST P.S. Case No. 77 of 2010, 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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