

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4529 of 2019

Arising Out of PS. Case No.-270 Year-2019 Thana- MAJHAULIA District- West Champaran

1. MANJEET SINGH Son of Birendra Singh Resident of Village- Chilabhar, Ward No.9, Police Station- Majaulia, District- West Champaran.
2. Birendra Singh Son of Late Rama Singh Resident of Village- Chilabhar, Ward No.9, Police Station- Majaulia, District- West Champaran.
3. Laldeo Chaurasiya Son of Rambahadur Bhagat Resident of Village- Chilabhar, Ward No.9, Police Station- Majaulia, District- West Champaran.
4. Amit Kumar Singh @ Amit Singh Son of Birendra Singh Resident of Village- Chilabhar, Ward No.9, Police Station- Majaulia, District- West Champaran.
5. Nikhil Singh Son of Shatrudhan Singh Resident of Village- Chilabhar, Ward No.9, Police Station- Majaulia, District- West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Virendra Kuar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 13-11-2019 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 31.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in connection with Majhauria P.S. Case No. 270 of 2019 registered under Sections 341, 323, 504,



506, 354, 427/34 of the Indian Penal Code and Section 3(I) (II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Six named accused persons including the appellants are said to have slated the informant in the name of his caste at his door and assaulted him, his son and his wife during course of thrashing paddy at his door.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in the case on protest made by them over thrashing paddy in the mid of the road by the informant. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. None has sustained any injury in the occurrence. 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 learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), Bettiah, West Champaran in connection with Majhulia P.S. Case No. 270 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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