

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4599 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- SC/ST District- Gopalganj

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1. MD. TASLIM Son of Adalat Mian @ Adalat Hussain Resident of Village- Aadamapur, P.S.- Manjhagarh, District- Gopalganj.
 2. Md. Manan Son of Hadis Mian Resident of Village- Aadamapur, P.S.- Manjhagarh, District- Gopalganj.
 3. Md. Biuet Son of Md. Taslim Resident of Village- Aadamapur, P.S.- Manjhagarh, District- Gopalganj.
 4. Sonu Alam @ Md. Safiullah Son of Ali Ahmad Resident of Village- Aadamapur, P.S.- Manjhagarh, District- Gopalganj.
 5. Matlub Mian Son of Ramjan Mian Resident of Village- Aadamapur, P.S.- Manjhagarh, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uma Kant Prasad
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 23-10-2019 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 24.09.2019 passed by learned 1st Additional Sessions Judge, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 34 of 2019 registered under Sections 447, 379,



341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was regressing to his house from the market, appellants accosted and slated him in the name of his caste and on protest made by the informant they slapped and fisted him. Appellant Sonu Alam snatched his golden chain while Manan Mian took away cash of Rs. 2000/- from his pocket.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the appellant no. 4 have lodged Manjhagarh P.S. Case No.147 of 2019 against the informant and others and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The informant has not sustained any injury in the occurrence. The learned lower Court has also not mentioned any injury in the impugned order after perusal of the case diary. Allegation of theft is super-addition. There is delay of three 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.

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 1st Addl. Sessions Judge, Gopalganj in connection with Gopalganj SC/ST P.S. Case No.34 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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