

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4600 of 2019**

Arising Out of PS. Case No.-79 Year-2017 Thana- CHAKAND District- Gaya

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1. BASANT PRASAD @ BASANT KUMAR S/o Rameshwar Mahto Resident of Village- Madan Bigha, P.S.- Chakand, District- Gaya.
 2. Sandeep Kumar Son of Rajendra Prasad @ Rajendra Mahto Resident of Village- Madan Bigha, P.S.- Chakand, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

**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 25.09.2019 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Chakand P.S. Case No. 79 of 2017 registered under Sections 341, 323, 504, 379/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Four named accused persons including the appellants and 7/8 unknown miscreants descending at the house of the informant in the night at about 9.45 P.M. started slating him in the name of his caste. On exhortation of co-accused Ram Narayan Prasad, Subodh Prasad assaulted on head of informant by means of butt of the pistol and appellant Sandeep Kumar snatched the mobile and other accused persons assaulted his father and family members and slated them in the name of caste.

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. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Barring informant, none has sustained injury in the occurrence. Injury sustained by the informant is simple in nature. Allegation of slating the informant is said to have been made at the house of informant in the night at 9.45 P.M. and not in public view, hence no offence under SC/ST Act is made out against the appellants. Similarly situated co-accused namely Ram Narayan Prasad @ Ram Narayan has been enlarged on bail by this Court vide order dated 11.09.2019 passed in Cr. Appeal (SJ) No.2011 of 2019. 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 Chakand P.S. Case No.79 of 2017, 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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