

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4719 of 2019**

Arising Out of PS. Case No.-19 Year-2017 Thana- BAHERA District- Darbhanga

1. VIKASH KUMAR JHA @ PANKAJ KUMAR JHA @ VIKASH JHA Son of Bachchu Jha @ Arun Jha Resident of Village- Rampur Udai, P.S.- Bahera, District- Darbhanga.
2. Gopal Jha Son of Yogendra Jha @ Jogindar Jha Resident of Village- Rampur Udai, P.S.- Bahera, District- Darbhanga.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nilendu Kumar Choudhary
For the Respondent/s	:	Mrs. Usha Kumari-1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 07-11-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 31.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in Bahera P.S. Case No. 19 of 2017 registered under Sections 147, 148, 341, 323, 447, 354(A), 354(B) and 436 of the Indian Penal Code and Sections 3(i)(r)(s)(f) of the SC/ST Act.

Seven named and 30-40 unknown miscreants including the appellants are said to have set ablaze the house of the informant and assaulted the informant, her sons and



daughter and tried to misbehave with her daughter and also tried to outrage the modesty of the informant. They also slated them in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. Appellants have lodged Title Suit No. 24 of 2017 against the brother-in-law (bhaisur) of the informant and others which is pending disposal. A proceeding under Section 144 Cr.P.C. was also initiated on the basis of the police report at the instance of the informant against the family members of the appellants and the police after investigating the aforesaid case has reported that the land in question is in possession of the appellants and the prosecution party wants to construct house over the same and also collected building materials on the land and installed pegs there. The police has not reported about slating the informant in the name of her caste and trying to outrage the modesty of the informant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in Bahera P.S. Case No. 19 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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