

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4657 of 2019

Arising Out of PS. Case No.-29 Year-2014 Thana- CHANAN District- Lakhisarai

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1. Aklu Saw @ Jugal Sarkar @ Yugal Sarkar Son of Late Mishri Saw Resident of Village-Bannu-Bagicha, P.S.-Kiul, District-Lakhisarai.
 2. Madhu Saw Son of Late Mishri Saw Resident of Village-Bannu-Bagicha, 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 : Mr. Binay Krishna (App)

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 04-11-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 20.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Lakhisarai in Chanan P.S. Case No. 29 of 2014 registered under Sections 341, 323, 504, 506, 354/34 of the Indian Penal Code and Section (III)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Three named accused persons including the



appellants arriving at the house of the informant slated him in the name of his caste and mounted pressure upon him to withdraw the case filed by him. On refusal by the informant, they assaulted him by means of lathi and when his *Bhabhu* rushed in his rescue, they also assaulted and slated her and tore her blouse over land dispute.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. As a matter of fact, the informant had sold out the land to one Nandlal Yadav and after demise of Nandlal Yadav his son sold out the said land to the father of the appellants, namely, Mishri Saw and the informant is mounting pressure upon the appellants and his father to give the said land to him, and on refusal, he has lodged this false and frivolous case against them to harass and mount pressure upon them. Injury sustained by the informant is simple in nature. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Allegation of slating the informant in the name of his caste is said to have been made at the house of the informant and not in the public view, hence, no offence under SC/ST Act is made out against the appellants.



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

In 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 learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Lakhisarai in Chanan P.S. Case No. 29 of 2014, 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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