

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4740 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. PARAS BIND Son of Mangar Bind @ Mangal Bind Resident of Village-Ahiraon, P.S.- Belaon, District- Kaimur (Bhabua).
 2. Chhaibar Bind Son of Mangar Bind @ Mangal Bind Resident of Village-Ahiraon, P.S.- Belaon, District- Kaimur (Bhabua).
 3. Birendra Bind Son of Mangar Bind @ Mangal Bind Resident of Village-Ahiraon, P.S.- Belaon, District- Kaimur (Bhabua).
 4. Vijay Bind Son of Mangar Bind @ Mangal Bind Resident of Village-Ahiraon, P.S.- Belaon, District- Kaimur (Bhabua).

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Yogendra Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 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 07.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Kaimur at Bhabua in connection with Bhagwanpur (Belaon) P.S. Case No. 28/2019 registered under Sections 341, 323, 379, 504, 506/34 of the



Indian Penal Code and Section 3(1) (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 field five named accused persons including the appellants got the bull entered into his wheat field and on protest made by the informant all of them slating him in the name of his caste assaulted him by means of lathi, leg and fist on the exhortation of Bhola Bind and also snatched cash of Rs.5000/-.

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 due to animosity and dirty village politics. There is case and counter case between the parties. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under Section SC/ST Act is made out against the appellants. 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 Additional Sessions Judge cum Special Judge, Kaimur at Bhabua in connection with Bhagwanpur (Belaon) P.S. Case No. 28/2019, 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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