

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4730 of 2019

Arising Out of PS. Case No.-430 Year-2018 Thana- BARH District- Patna

VIPAT GOPE @ VIPAT RAI @ VIPAT YADAV Son of Late Jangbahadur
Ray Resident of Village-Bhatgaon, P.S.-Barh, District-Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prem Kumar

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 08-11-2019 Heard learned counsel for the appellant 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 20.08.2019 passed by learned Addl. Sessions
Judge-XIII-cum-Special Judge, SC/ST Act, Patna in Barh P.S.
Case No. 430 of 2018 registered under Sections 307, 504/34 of
the Indian Penal Code, Section 27 of the Arms Act and Section
3(1)(r) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Four named accused persons including the
appellant are said to have slated the informant in the name of



her caste and also made firing descending at her house.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. There is case and counter case between the parties and the case lodged by the appellant side is earlier to that of the informant. As earlier, the husband of the informant used to misbehave with the niece of co-accused Shivjanam Rai and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellant. Allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slating is said to have been made at the house of the informant that too in the night at around 10:30 PM, hence, it cannot be said to have been made in the public view, hence, no offence under SC/ST Act is made out against the appellant. Similarly situated co-accused, namely, Suresh Yadav @ Suresh Prasad Yadav and Shivjanam Rai @ Shivjanam Gope have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.04.2019 passed in Cr. Appeal (SJ) No. 698 of 2019 while Ramesh Yadav @ Ramesh Kumar has been enlarged on anticipatory bail by this Court vide order dated 05.11.2019 passed in Cr. Appeal (SJ) No.4703 of 2019.



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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-XIII-cum-Special Judge, SC/ST Act, Patna in Barh P.S. Case No. 430 of 2018, 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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