

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4729 of 2019

Arising Out of PS. Case No.-439 Year-2019 Thana- KATIHAR District- Katihar

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1. Vikram Singh Son of Late Sripati Narayan Singh Resident of Village - Anathalaya Road, P.S.- and Distt.- Katihar.
 2. Rina Singh W/o Vikram Singh Resident of Village - Anathalaya Road, P.S.- and Distt.- Katihar.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratnakar Ambastha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 08-11-2019 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 14.10.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Katihar (Town) P.S. Case No. 439 of 2019 registered under Sections 341, 342, 323, 324, 379 & 504 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants taking the son of the informant to his house on the pretext of working in the house slated him in the name of caste and snatched his mobile thereafter they took him to another building and assaulted him by means of rod and dagger inflicting injury in his hand. Then, they took him to the godown of stone chips and also assaulted there.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, the son of the informant has committed theft in the house of the appellants regarding which appellant Vikram Singh lodged Complaint Case No.1506 of 2019 against the son of the informant and others and to save skin from the said case this false and frivolous case has been lodged against the appellants. The son of the informant has sustained simple injury in the occurrence. The allegation of slating the son of the informant is said to have been made at the house of the appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. 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.

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, Katihar in connection with Katihar (Town) P.S. Case No.439 of 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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