

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4700 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- RISIYAP District- Aurangabad

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1. Raju Singh Son of Madan Singh Resident of Village- Babhandi, P.S.- Risiup, District- Aurangabad.
 2. Ranjan Kumar Singh Son of Madan Singh Resident of Village- Babhandi, P.S.- Risiup, District- Aurangabad.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bigau Ram Son of Not Known Sub- Inspector of Police, Risiup P.S., District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 05-11-2019 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 26.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge SC/ST Act, Aurangabad in Risiup P.S. Case No. 87 of 2019 registered under Sections 147, 149, 186, 189, 341, 323, 353, 379 of the Indian Penal Code and Section 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



On interception of the tractor carrying illegal sand by the informant, appellants who happen to be owner of the said tractor along with 10-15 miscreants started pelting stones and managed to flee away with the tractor slating the informant in the name of his caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants do not happen to be owner of the said tractor. Informant being the police officer is in habit of lodging the case against the person under SC/ST Act, who raise voice against illegal activity of the informant. 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, 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, Aurangabad in Risiup



P.S. Case No. 87 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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