

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4748 of 2019**

Arising Out of PS. Case No.-748 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. MAHESH DAULTANI @ MAHESH KUMAR S/O Ghanshyam Dasav @ Ghanshyam Das Resident of Madnani Gali, near Zubba Sahni Park, P.S.- Mithanpura, Dist- Muzaffarpur.
 2. Gaurav Daultani S/O Satish Kumar Daultani @ Satish Kumar Resident of Madnani Gali, near Zubba Sahni Park, P.S.- Mithanpura, Dist- Muzaffarpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Sanjay Parasmani
For the Respondent/s : Mrs. Usha Kumari I

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

ORAL ORDER

2 14-11-2019 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 16.10.2019 passed by learned Special Judge (SC/ST Act), Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 748 of 2019 registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Section 3(i) (v) (s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

While the informant along with his employer was sitting in the electric shop, appellants along with 3-4 unknown miscreants arriving at the shop started demanding articles on credit and on refusal by his employer till payment of the dues amount, they started assaulting him and when the informant rushed in his rescue then leaving his owner they started assaulting him and slated him in the name of his caste and also extended threatening by pointing pistol. They also took out Rs. 8700/- from the counter of the employer.

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 by the employer of the informant with whom appellants have business rivalry as the appellants are also running the business of electronic articles. The allegation levelled against the appellants is not specific rather general and omnibus in nature. No one has sustained any injury in the occurrence. Allegation of theft is super addition. There is inordinate and abnormal delay of six days in lodging the case without assigning any plausible explanation for the said delay. 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 learned Special Judge (SC/ST Act), Muzaffarpur in connection with Muzaffarpur Town P.S. Case No.748 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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