

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4722 of 2019**

Arising Out of PS. Case No.-126 Year-2018 Thana- SC/ST District- Araria

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1. Shiv Narayan Roy @ Bittan Roy Son of Late Bijlu Roy Resident of Village-Dainiya Khutahara ward no.7, Police Station-Sikty, District-Araria.
  2. Birla Devi Wife of Shiv Narayan Roy @ Bittan Roy Resident of Village-Dainiya Khutahara ward no.7, Police Station-Sikty, District-Araria.
  3. Santosh Kumar Roy @ Nichchlau Roy Son of Shiv Narayan Roy @ Bittan Roy Resident of Village-Dainiya Khutahara ward no.7, Police Station-Sikty, District-Araria.
  4. Pappu Kumar Roy Son of Shiv Narayan Roy @ Bittan Roy Resident of Village-Dainiya Khutahara ward no.7, Police Station-Sikty, District-Araria.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Mukesh Kumar Rana  
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2      08-11-2019                      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 29.08.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Araria in Araria SC/ST P.S. Case No. 126 of 2018 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Informant happens to be caretaker of agriculture of one Amod Rai, and on the date of occurrence, appellants arriving at the field of said Amod Rai breaking bamboo fence felled his two bamboos and started unloading straw on the said land. On protest made by the informant, they slated him in the name of his caste and fisted him. They also took away Rs. 500/- from his pocket.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, a dispute regarding boundary is pending between Amod Rai and the appellants and said Amod Rai has lodged this false and frivolous case against the appellants through the informant, who happens to be his own man in order to harass them. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Said slating is said to have been made near the bamboo clump and there was none at the place of occurrence at the time of occurrence, hence, no offence under SC/ST Act is made out against the appellants. There has been two days delay in lodging the FIR 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, 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 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, Araria in Araria SC/ST P.S. Case No. 126 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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