

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4768 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- SC/ST District- Gopalganj

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1. Heera Rewat S/o Yodhan Rawat R/o Village- Usri, Bind Toli, P.S.- Baikunthpur, District- Gopalganj
 2. Subhash Rawat S/o Heera Rawat R/o village- Usri, Bind Toli, P.S.- Baikunthpur, District- Gopalganj

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satyapal Singh

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-11-2019 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 23.09.2019 passed by learned 1st Addl. Sessions Judge, Gopalganj in Gopalganj SC/ST P.S. Case No. 36 of 2019 registered under Sections 420, 406, 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the informant arrived at the door of



appellant Heera Rawat to claim his due wages, he slated him in the name of his caste and asked the appellant Subhash Rawat to made him escape. Responding the same, said appellant started assaulting him.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, the informant was having illicit relation with sister-in-law in relation of appellant Subhash Rawat and the appellants and villagers had made complain regarding aforesaid relation to the SHO, Baikunthpur on 29.06.2019. On getting knowledge of the same, the informant has lodged this false and frivolous case against the appellants with inordinate and abnormal delay of 22 days without assigning any plausible explanation for the aforesaid delay. Informant has not sustained any injury in the occurrence. Slating the informant is said to have been made at the house of the appellants and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. 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, Gopalganj in Gopalganj SC/ST P.S. Case No. 36 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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