

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4742 of 2019

Arising Out of PS. Case No.-32 Year-2018 Thana- SC/ST District- Gaya

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MONU KUMAR @ SHASHI PRAKASH S/o Shashi Dhar Pandit R/o
Mohalla- Shamshanghat, P.S.- Vishnupad, District- Gaya

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 13-11-2019 Heard learned counsel for the appellant 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 26.09.2019 passed by learned Special Judge (SC/ST Act), Gaya in connection with Gaya SC/ST P.S. Case No. 32/2018 registered under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



While the informant was stepping out of his room, appellant who happens to be son of the landlord and co-accused slated him in the name of caste and appellant pointed pistol on his temple asked him to vacate the room and threatened him to falsely implicate him in the case of rape. On the date of occurrence also they slated him in the name of caste and assaulted him by means of slipper when he was stepping out of his room.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in the case by the informant on demand of rent by the appellant due to the informant. Informant has not sustained any injury in the occurrence. Slating the informant in the name of caste is said to have been made inside the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of six days in sending the F.I.R. to the learned court below indicating doubt about the prosecution case. Appellant has 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 appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST), Gaya in connection with Gaya SC/ST P.S. Case No. 32/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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