

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4815 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- PANDARAK District- Patna

1. DHARMENDRA KUMAR GUPTA @ DHARMENDRA PRASAD GUPTA
Son of Arjun Prasad Gupta @ Arjun Prasad Sao @ Arjun Sao Resident of
Village - Mamrakhabad, P.S.- Pandarak, Distt.- Patna.
2. Ashok Sao Son of Late Ramchandra Sao Resident of Village -
Mamrakhabad, P.S.- Pandarak, Distt.- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Bhardwaj
For the Respondent/s	:	Mrs. Usha Kumari 1

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 bail vide order dated 25.09.2019 passed by learned Additional Sessions Judge- XX- cum Special Judge SC/ST Act, Patna in connection with Special Case No.91 of 2019, arising out of Pandarak P.S. Case No.24 of 2019 registered under Sections 147, 148, 149, 427, 504, 506 & 307 of the Indian Penal Code, under Section 27 of the Arms Act and Section 3(1) (g) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Informant has planted rai crop on the land taken on pattra from Vijay Kumar and Sanjay Kumar. Eight named accused persons and eight unknown miscreants including the appellants started harvesting the rai crop of the informant and on protest made by him they slated him in the name of caste. Dharmendra Kumar and Madan Sao resorted firing upon him but he left unhurt.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, Title Suit No.73 of 2018 is pending between accused Sanjay Kmar and the appellant Dharmendra Kumar and Pandarak P.S. Case No.22 of 2019 has been lodged by the appellant no.1 against said Sanjay Kumar and Vijay Kumar preceding to the case under hand, and due to the aforesaid reason Sanjay Kumar and Vijay Kumar have got lodged this false and frivolous case against them through the informant, who happens to be his own man, with altogether false and concocted allegation. None has sustained injury in the occurrence. There were 16 accused persons present at the place of occurrence but the informant has not stated in specific as to who slated him in the name of caste. Appellants have been languishing in custody since 10.08.2019.



Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to 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 the learned Additional Sessions Judge-XX- cum Special Judge SC/ST Act, Patna in connection with Special Case No.91 of 2019, arising out of Pandarak P.S. Case No.24 of 2019.

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

(Prakash Chandra Jaiswal, J)

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