

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4822 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- SILAO District- Nalanda

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1. MANOJ RAM S/o Late Vrijanandan Ram R/o Village- Madhopur, P.S.- Silao, District- Nalanda
 2. Rajkumar Ram S/o Late Vrijanandan Ram R/o village- Madhopur, P.S.- Silao, District- Nalanda
 3. Pratima Devi W/o Manoj Ram R/o village- Madhopur, P.S.- Silao, District- Nalanda
 4. Pinki Devi W/o Rajkumar Ram R/o village- Madhopur, P.S.- Silao, District- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 15-11-2019 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 25.09.2019 passed by learned 1st Additional Sessions Judge, Nalanda, Bihar Sharif in connection with Silao P.S. Case No. 141/2019 registered under Sections 341, 323, 324, 307, 337, 338, 504/34 of the Indian Penal Code and Section 3(1)



(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Ten accused persons including the appellants arriving at the house of the informant slated his family members in the name of their caste. Co-accused Gautam Kumar assaulted on the nose of his son and on the chest of Bakhori Paswan by means of sword and other accused persons assaulted other rescuers by means of lathi, leg and fist.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Co-accused Gautam Kumar has lodged Silao P.S. Case No. 139 of 2019 against the informant and others, preceding to the case under hand and in order to save his skin from the said case, informant has lodged this false and frivolous case against the appellants and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury at the hand of the appellants. Slating the family members of informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is delay of two 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 1st Additional Sessions Judge, Nalanda, Bihar Sharif in connection with Silao P.S. Case No. 141/2019, 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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