

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4938 of 2019**

Arising Out of PS. Case No.-341 Year-2019 Thana- TEKARI District- Gaya

=====

NAGENDRA RAHI @ NAGENDRA KUMAR RAHI Son of Ramchandra Azad Resident of Village - Salempur, Near S.N. Sinha College, Tekari, P.S.- Tekari, Distt.- Gaya. Permanent Address Village- Parsawan, P.S.- Konch, Distt.- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Manish Kumar No2
For the Respondent/s : Mrs. Usha Kumari 1

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-11-2019 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 15.10.2019 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Tekari P.S. Case No. 341/2019 registered under Sections 147, 504, 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Seven named accused persons including the appellant is said to have descended at the house of the informant and started slating her. When the informant stepped out in the lane they extended threatening slating her in the name of her caste uttering to take forceful possession of her land.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. There is land dispute between the parties. Mother of the appellant has purchased 3 decimals of the aforesaid land from one Arvind Prasad and said Arvind Prasad by filing an informatory petition on 18.06.2019 preceding to the occurrence has stated that he has executed the aforesaid sale deed in favour of aforesaid vendee and also raised apprehension of false implication of the appellant and of his own by the informant in the case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Tekari P.S. Case No. 341/2019, 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)

amit/-

U		T	
---	--	---	--

