

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1566 of 2018

Arising Out of PS. Case No.-404 Year-2017 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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1. Sudhir Kumar Son of Rabindra Prasad Resident of Village-Mahuri Tola, Police Station-Sheikhpura, District-Sheikhpura
 2. Rabindra Prasad, Son of Late Shankar Prasad Resident of Village- Mahuri Tola, Police Station- Sheikhpura, District- Sheikhpura.

... .. Appellant/s

Versus

1. State Of Bihar
2. Bikash Kumar S/o Ashok Paswan R/o Vill-Kamishnari Bazar Sheikhpura PS and Distt.-Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 17-07-2019 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 13.04.2018 passed by learned 1st Addl. District & Sessions Judge, Sheikhpura in SC/ST P.S. Case No. 287 of 2017 arising out of Complaint Case No. 404C of 2017 registered under Sections 323, 504 of the Indian Penal Code and Section 3(r)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

Appellants are said to have slated the complainant in the name of his caste and also slapped him on arriving at their shop for return of the attire purchased by him from their shop which was found torn later on.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Complainant has not sustained any injury in the occurrence. As a matter of fact, the mother of appellant no. 1, namely, Nilam Devi has filed complaint case no. 213 of 2017 against Randhir Kumar and his family members. Said Randhir Kumar and complainant Vikash Kumar happens to be friend as evident from the sale deed dated 18.05.2007 executed by Arjun Prasad jointly in their favour and said Randhir Kumar has got this false and frivolous case lodged against the appellants through the complainant to mount pressure upon them to withdraw the aforesaid case lodged by Nilam Devi. 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. District & Sessions Judge, Sheikhpura in connection with in SC/ST P.S. Case No. 287 of 2017 arising out of Complaint Case No. 404C of 2017, 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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