

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5077 of 2019**

Arising Out of PS. Case No.-144 Year-2018 Thana- DESARI District- Vaishali

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RAMAN RAI Son of Sofi Rai Resident of Village - Sultanpur, P.S.- Desari,
District- Vaishali.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 22-11-2019 Heard learned counsel for the appellant 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 bail vide order
dated 23.10.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Hajipur, Vaishali in Desri P.S. Case No. 144
of 2018 registered under Sections 147, 341, 323, 324, 427, 379,
504 of the Indian Penal Code and Section 3(1)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Six named accused persons including the appellant are said to have started raising wall over the property in question dismantling the hut of the informant, and on protest made by the informant, they slated her in the name of her caste and appellant assaulted on her right eyebrow by means of *Dab* inflicting bleeding injury to her. Then other accused persons assaulted her by means of leg and fist. Appellant also snatched her golden ear ring.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to land dispute. As a matter of fact, land in question is hailing to the appellant. Appellant is said to have assaulted on the right eyebrow of the informant by means of *Dab* but, doctor has found aforesaid injury as simple in nature caused by hard blunt substance. Other allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of her caste against the appellant. Allegation of theft is super addition. Appellant has no criminal antecedent and has been languishing in custody since 14.10.2019.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, Hajipur, Vaishali in Desri P.S. Case No. 144 of 2018.

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

(Prakash Chandra Jaiswal, J)

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