

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1255 of 2020

Arising Out of PS. Case No.-293 Year-2019 Thana- BARAULI District- Gopalganj

SURAJ JAISWAL Son of Shri Rajesh Jaiswal Resident of Village and P.S. Barauli, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhramveer, Advocate.

For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-08-2020 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 for bail vide order dated 10.02.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in connection with Barauli P.S. Case No. 293 of 2019 registered under Sections 341, 323, 324, 307, 447, 354, 379, 337 & 504/34 of the Indian Penal Code and Section 3(1) (r) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with his son was taking rest at his house, in the meantime, the appellant came there and



started abusing him. He attacked on his son with kinfe on his abdomen due to which he got injured. Again he shown the knife and abused him with caste name and snatched his golden chain worth Rs.42,000/- from the neck of his on. When his wife came in their rescue he also assaulted her with fist and leg. On hearing hue and cry, when the local people rushed there Suraj Jaiswal (appellant) started fleeing. When the local people tired to catch him then family members of the appellant started pelting bricks and several villagers got injured. With the help of local people his injured son was taken to P.H.C., Barauli but seeing the condition serious he was referred to Sadar Hospital, Gopalganj and thereafter Gorakhpur for better treatment.

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 pending between the parties. Slating the 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 appellant. It is also submitted that during course of inspection of place of occurrence, the I.O. has not found any sign of blood or brick batting. Charge has been framed against the appellant. Appellant has been languishing in



custody since 18.08.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Gopalganj in connection with Barauli P.S. 293 of 2019.

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

(Anjani Kumar Sharan, J)

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