

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1715 of 2020

Arising Out of PS. Case No.-63 Year-2018 Thana- DAUDNAGAR District- Aurangabad

1. PANKAJ KUMAR S/o Raj Kumar Gupta Resident of Village-Gola Road, Ward No.16, P.S.-Daudnagar, District-Aurangabad.
2. Raushan Kumar S/o Raj Kumar Gupta Resident of Village-Gola Road, Ward No.16, P.S.-Daudnagar, District-Aurangabad.

... .. Appellants.

Versus

1. The State of Bihar.
2. Ranjan Kumar S/o Shailesh Chaudhary Resident of Village-Gola Road, Ward No.16, P.S.-Daudnagar, District-Aurangabad.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the appellants undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.



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 22.02.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Daudnagar P.S. Case No. 63 of 2018 registered under Sections 323, 341, 447 and 504/34 of the Indian Penal Code and Section 3(1) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Both the appellants are said to have entered into the house of the informant, assaulted him and also slated in his caste name. The reasons behind the occurrence is said to be that the father of the informant had given money to uncle of the appellants for transferring a land and neither the land has been transferred nor the money has been returned to him.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and land dispute. Both the parties are close neighbour. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature.



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 appellants.

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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Daudnagar P.S. Case No.63 of 2018, 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.

(Anjani Kumar Sharan, J)

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