

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3555 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST District- Vaishali

1. RAJKISHORE RAI Son of Late Ramasish Rai Resident of Village - Harpurbasant, P.S. and Distt - Vaishali.
2. Rajdeo Rai Son of late Shivprasad Rai Resident of Village - Harpurbasant, P.S. and Distt - Vaishali.
3. Vicky Rai @ Vicky Kumar Son of Rajdeo Rai Resident of Village - Harpurbasant, P.S. and Distt - Vaishali.
4. Pankaj Rai @ Pankaj Kumar Son of Rajkishore Rai Resident of Village - Harpurbasant, P.S. and Distt - Vaishali.
5. Lalan Rai Son of Kalvir Rai Resident of Village P.S. and Distt - Vaishali.
6. Jaymagal Rai Son of Late Janak Rai Resident of Village P.S. and Distt - Vaishali.
7. Rajmangal Rai Son of late Ramdayal Rai Resident of Village P.S. and Distt - Vaishali.
8. Pappu Rai @ Pappu Kumar Son of Bishu Rai Resident of Village - Vaishali, P.S. and Distt - Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-01-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 17.07.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Vaishali at Hajipur in A.B.P. No. 1251 of 2019, arising out of Hajipur



SC/ST P.S. Case No. 6 of 2019 registered under Sections 147, 148, 149, 448, 342, 323, 354, 389, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w)/3(ii)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A boy of family of the informant was in love with the girl of the family of appellants. Both had fled away. Hence appellants side lodged Vaishali P.S. Case No. 32 of 2019 under Sections 363 and 366A of the Indian Penal Code.

Allegation in the F.I.R. is that for the same reason the appellants and 10-15 unknown persons entered into the house of the informant and committed mischief by damaging household articles as well as theft. There is general and omnibus allegation of commission of abuse by taking caste name.

Submission of learned counsel for the appellants is that the occurrence alleged took place not because the informant was a member of Scheduled Caste rather it took place for differences arisen out of affairs between the boy and the girl of two families. Moreover allegation is not specific against any of the appellants.

Finding substance in the submission aforesaid, in my view, apparently no offence under SC/ST Act is made out



against the appellants. Hence the appellants deserve for prayer for anticipatory bail.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

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