

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4910 of 2019

Arising Out of PS. Case No.-668 Year-2019 Thana- AGAMKUAN District- Patna

1. RAKESH KUMAR Son of Indradev Lal Resident of Sector No. 3, Block 107 Room No. 17, P.S.- Agam Kuan, Patna.
2. Mukesh Kumar Son of Indradev Lal Resident of Sector No. 3, Block 107 Room No. 17, P.S.- Agam Kuan, Patna.
3. Chhotu Kumar @ Kamlesh Kumar Son of Indradev Lal Resident of Sector No. 3, Block 107 Room No. 17, P.S.- Agam Kuan, Patna.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellants	:	Mr. Rajiv Nayan, Advocate.
For the State	:	Ms. Usha Kumari-1, A.P.P.
For the Informant	:	Mr. Kamlesh Kumar Sharma, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the appellants and the learned Additional Public Prosecutor for the State as also the learned counsel for the informant.

2. This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Amendment Act, 2015, is directed against the Judgment/Order dated 03.09.2019 passed in A.B.P. No.6185 of 2019, by the Additional Sessions Judge-XX-cum-Special Judge, S.C./S.T. Act, Patna, dismissing the aforesaid anticipatory bail petition of the appellants to grant them the privilege of pre-arrest bail in connection with Agam Kuan P.S. Case No.668 of 2019 registered under Sections 341, 323,



448, 379, 504 and 506/34 of the Indian Penal Code besides Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Amendment Act, 2015.

3.The prosecution case, in brief, is that on 19.07.2019, Avinash Kumar and Punam Chaudhary, the son and the wife of the informant Sri Niwas Chaudhary respectively, were sitting at their house. At that time, the appellants, namely, Rakesh Kumar, Mukesh Kumar and Chhotu Kumar, the neighbours of the informant, entered into the house of the informant and started to outrage the modesty of the wife of the informant and torn her Saree. When Avinash Kumar, the son of the informant, rushed to save his mother, then they started to abuse and cause assault him and started to flee away after snatching the gold chain and Mangalsutra of the wife of the informant. They caused assault at the forehead of the son of the informant through lathi, danda and butt of three nut and abused the informant and his family members denoting their caste name.

4. Learned counsel for the appellants submits that, in fact, the informant and the appellants are the next door neighbours and due to petty dispute, the informant has lodged the present case with false allegation of making the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Further submission is that it would appear from the F.I.R. that the alleged occurrence took place inside the house of the informant, which is not the public place, as such, the offence under the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act is not made out in this case. The appellants have no criminal antecedents.

5. Having considered the facts and the circumstances of the case, the impugned Judgment/Order is set aside and this appeal is allowed.

6. Let the appellants, above named, in the event of arrest or surrender within six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-XX-cum-Special Judge, S.C./S.T. Act, Patna, in connection with Agamkuan P.S. Case No.668 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.01.2020.
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