

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.5441 of 2019

Arising Out of PS. Case No.-22 Year-2014 Thana- SC/ST District- Gaya

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1. KARAN SAO @ KARAN SAW, aged about 25 years, Male, Son of Uday Saw, Resident of Mohalla - Kathautiya Tola, Gulzar Bigha, P.S.- Magadh Medical, District- Gaya
 2. Sita Devi, aged about 50 years, Female, Wife of Uday Saw, Resident of Mohalla - Kathautiya Tola, Gulzar Bigha, P.S.- Magadh Medical, District- Gaya

... Appellants

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellants : Mr. Ajit Ranjan Kumar, Adv.

For the Respondent : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-01-2020

Heard the learned counsel for the appellants and the learned

Additional Public Prosecutor.

This criminal appeal has been filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and is directed against the order, dated 26.11.2019, passed in ABP No. 298 of 2019 arising out of SC/ST P.S. Case No. 22 of 2014, registered under Sections 341, 323, 448 and 506/34 of the Indian Penal Code and 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer of the pre-arrest bail of the appellants was refused.

The prosecution case is that on 02.03.2014, daughter of Udai Saw discharge stool in the colony, then, informant, Mamta Devi, went at her house to make complaint and she returned. On same day, at about 02.00 p.m., appellants came at the door of the informant and started to abuse and caused assault through fists and slaps. On raising alarm the neighbours rushed, then, all moved from there giving threatening of dire consequences.



Submission is that appellants are next door neighbour of the informant and due to petty dispute the informant lodged the present case implicating the appellants for the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Appellants have no criminal antecedent.

Having regard to the facts and circumstances of the case, the impugned order, dated 26.11.2019, passed in ABP No. 298 of 2019, arising out of SC/ST P.S. Case No. 22 of 2014, is set aside the appeal is allowed.

Let the appellants, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with SC/ST P.S. Case No. 22 of 2014 shall be released 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 Exclusive Special Judge, SC/ST, Gaya, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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