

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5739 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- SC/ST District- Gopalganj

1. BIRENDRA SHUKLA Son of Late Lal Bachan Shukla Resident of Village-Redvaria Shukl, P.S- Bhore, District- Gopalganj.
2. Nagendra Shukla Son of Late Lal Bachan Shukla Resident of Village-Redvaria Shukl, P.S-Bhore, District-Gopalganj.
3. Visheshwar Shukla Son of Birendra Shukla Resident of Village-Redvaria Shukl, P.S-Bhore, District-Gopalganj.
4. Parmanand @ Parmanand Bhagat Son of Late Sudama Bhagat Resident of Village-Redvaria Shukl, P.S-Bhore, District-Gopalganj.
5. Harendra Bhagat Son of Late Sudama Bhagat Resident of Village-Redvaria Shukl, P.S-Bhore, District-Gopalganj.
6. Jitendra Bhagat Son of Late Sudama Bhagat Resident of Village-Redvaria Shukl, P.S-Bhore, District-Gopalganj.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amresh Kumar Sinha
For the Informant	:	Mr. Subhash Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-09-2020 Heard learned counsel for the appellants, learned counsel for the informant 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 of anticipatory bail vide order dated 18.09.2019 passed by learned 1st Additional



Sessions Judge, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 41 of 2019 registered under Sections 341, 504, 447 & 448/34 of the Indian Penal Code and Section 3(i) (r) (s) (c), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that on the protest made by the informant on the collection of cow dung (Gobar) on his land, all the appellants slated him by his caste name and also tried to capture on his land.

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 land dispute. As a matter of fact, proceedings under Section 144 & 107 Cr.P.C. were initiated and T.S. No.611 of 2019 is pending between them and on the behest of appellants' enemies this false and frivolous case has been lodged against them to grab their land. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

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, Gopalganj in connection with Gopalganj SC/ST P.S. Case No.41 of 2019, 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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