

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4833 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- BUNIYAD GANJ District- Gaya

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1. UMESH GOSWAMI Son of Late Lakhan Goswami Resident of Mohalla- Janakpur, P.S.- Muffasil, District- Gaya.
 2. Ranjeet Ranjan @ Rajeev Ranjan Son of Late Jagdish Singh Resident of Mohalla- Janakpur, P.S.- Muffasil, District- Gaya.

... .. Appellants.

Versus

1. The State of Bihar.
2. Udal Manjhi son of Late Krishna Manjhi Resident of village- Kemuchak, P.S.- Buniyadganj, District- Gaya

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 31-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual Court proceedings.

Vide order dated 09.12.2021, notice was issued to newly added respondent no.2 and office has reported that notice has personally been received by him but there is no representation on his behalf.

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 06.09.2019 passed by learned Exclusive



Special Judge (SC/ST Act), Gaya in connection with Buniyadganj P.S. Case No. 107 of 2019 registered under Sections 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was going to load sand, both the appellants are said to have stopped him and started abusing him in his caste name. They also assaulted him and snatched Rs.6000/-.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in the case due to previous enmity. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, earlier appellant no.2 had filed Muffasil P.S. Case No.246 of 2019 against one Shashi Jha and others and appellant no.1 had also filed Muffasil P.S. Case No.276 of 2019 against the same person, Shashi Jha and others. This case is nothing but counter blast of the above mentioned cases only because the informant, being the driver of the said Shashi Jha, has falsely implicated the appellants on the instruction of his owner. No one has sustained injury in the



occurrence.

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 released 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Buniyadganj P.S. Case No.107 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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