

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1154 of 2017

Arising Out of PS.Case No. -132 Year- 2016 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Birju Yadav,
2. Tiju Yadav, Both are Sons of Madan Yadav, residents of village -
Ahamadabad, Police Station - Khudaganj, District - Nalanda at Bihar Sharif

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Shanker Pankaj

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-05-2017 Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14A (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 03.02.2017 passed by the learned 1st Additional Sessions Judge cum Special Judge, Nalanda in connection with A.B.P. No. 46/17/157/17 relating to Khudaganj P.S. Case No. 132 of 2016, whereby and whereunder prayer for anticipatory bail made on behalf of the appellants has been rejected.

Allegation against the appellants is that they have abused the informant, who belongs to scheduled caste, stating that why he has crossed their field. They have also abused him by



taking cast name “Harijan” and assaulted him.

It has been submitted on behalf of the appellants that there is previous enmity between the parties and apart from this case, the daughter-in-law of the informant had also lodged a case under Sections 447, 341, 323, 504, 354/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 2015.

Heard learned Special P.P. also.

Heard both sides and in view of the fact that a prima facie case under SC/ST (POA) Act is made out against the appellants, I am not inclined to grant privilege of pre-arrest bail to the appellants. However, the appellants may surrender in the court below and pray for regular bail which shall be considered on the basis of the submissions, as stated above, as also on its own merit, on the same day, without being prejudiced by the present order.

Accordingly, with the aforesaid observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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