

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1335 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -SC/ST District- BHAGALPUR

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Kali Prasad Yadav, Son of Late Jhakshu Gope, Resident of Village- Sabaur,
Police Station- Sabaur, District- Bhagalpur.

.... Appellant

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.

For the Respondent/s : Mrs. Usha Kumari No.1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-07-2017 The appellant seeks pre-arrest bail in connection with

SC/ST P.S. Case No. 05 of 2016 registered for offences

punishable under sections 341, 323, 504, 506, 353, 427 of Indian

Penal Code and Section 3(1)(x) of SC/ST (Prevention of

Atrocities) Act.

Allegation against the appellant is that on 30.01.2016

while the informant was busy in the office of S.D.O., phone,

BSNL Bhagalpur, the appellant Kali Prasad yadav, a retired

employee of BSNL came to his office and said in anger as to why

Suresh Prasad Sah (R.M) was sent to Patna. The informant said

that under the direction of Chief General Manager he was sent to

Patna for official work. It is also alleged that the appellant also

made query as to why Deepak Prasad G.T.O. has sent memo on



his line staff. It is further alleged that appellant being aggressive started abusing the informant using his caste. It is also stated that the appellant threw the telephone kept on the table. He also threw the chair kept in the room by lifting and tried to close the door of the room from inside.

Learned counsel for the appellant submitted that on perusal of the FIR, it appears that no case is made out under Section 3(1)(x) of the SC/ST (Prevention of Atrocities Act). It has further been stated that appellant has falsely been implicated in this case.

Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let appellant surrender before the Court of Special Judge within a period of four weeks and on his so surrendering the Court below will release him on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Session Judge (Special Court), Bhagalpur in connection with SC/ST P.S. Case No. 05 of 2016, subject to the following conditions:-

(i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the



jurisdiction of the concerned Court.

(ii) The appellants shall cooperate in the disposal of trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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