

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3041 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -SC/ST District- GAYA

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1. Ashok Yadav Son of Ram Kishun Yadav.
2. Pintu Yadav Son of Sharan Yadav.
3. Nawal Yadav @ Nawal Prasad
4. Vijay Yadav @ Vijay Kumar, Both Sons of Late Shiv Dayal Yadav. All are Resident of Village-Naya Nagar, Police Station-Atri, District-Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No-2

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-11-2017 Heard the parties.

The appellants seek pre arrest bail in connection with SC/ST P.S.Case no.25 of 2017 registered for offences punishable under Sections 147, 148, 149, 323, 354, 379, 504 and 506 of the Indian Penal Code and section 3(i)(r)(s)(i), 2 (v-A) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant no.1 is of abusing the informant by taking caste name and against other appellants of assaulting the informant and also harassing the female members of his family.

Submissions of the learned counsel for the appellants is that there is delay in lodging the complaint of one month by the



informant and that clearly shows that a false and malicious prosecution and further submission is that a case under Section 3 of SC/ST (POA) Act is made out only against appellant no.1 (Ashok Yadav) and not against the other appellants. Other allegations are general and omnibus in nature.

Heard learned Special P.P. also, who has opposed the prayer for bail.

Having considered both sides and in view of the submissions, so far appellant no.1(Ashok Yadav) is concerned, his prayer for privilege of pre arrest bail is rejected.

Let the appellant no.1 surrender before the court of learned Special Judge and make prayer for regular bail, which will be considered by the learned Special Judge on its own merit and thereafter, he will pass appropriate order, without being prejudiced by the order of this Court.

So far other appellant nos.2 Pintu Yadav 3. Nawal Yadav, @ Nawal Prasad and 4. Vijay Yadav @ Vijay Kumar, let appellant no.2, 3 and 4 in the event of arrest or surrender before the court of Special Judge within a period of six weeks from the date of receipt/production of a copy of this order, 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 Special Judge (SC/ST Act), Gaya in connection with A.B.P. No.111 of 2017 arising out of SC/ST P.S.Case No.25 of 2017 subject to conditions as laid down under Section 438 (2) of Cr.P.C. after setting aside the order dated 25.8.2017 passed by Special Judge (SC/ST Act) Gaya in A.B.P. No.111 of 2017 arising out of SC/ST P.S.Case no.25 of 2017, subject to further conditions that appellant will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which, his bail bond shall be liable to be cancelled.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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