

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1106 of 2017

Arising Out of PS.Case No. -17 Year- 2016 Thana -SC/ST District- NAWADA

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1. Sunil Yadav son of Sarjug Yadav
2. Saryug Yadav son of Ganga Yadav
3. Vinod Yadav son of Saryug Yadav
4. Nand Kishore Yadav son of Kali Yadav
5. Vijay Yadav son of Kali Yadav
6. Shiv Nandan Yadav son of Kali Yadav
7. Raju Yadav son of Shiv Nandan Yadav All residents of village - Sukhnar,
P.S. Sirdala, Dist - Nawada.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Gauri Shankar Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 04-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order dated 16.1.2017 passed by 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Nawada, in ABP No. 1192 of 2016/21 of 2017, arising out of SC/ST P.S.case No. 17 of 2016 instituted under Sections 147, 149, 341, 323, 504, 447, 506 of the Indian Penal Code and 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation as per FIR against appellant No.1 is that he



abused the informant by taking his caste name and so far other appellants are concerned, there is allegation that they have assaulted the informant.

It has been submitted on behalf of the appellants that no case is made out against appellants Nos. 2 to 7 under the provisions of SC/ST Act. It has further been submitted that there is case and counter case and land dispute between the parties, as such, the appellants have falsely been implicated in this case.

Learned Special P.P. and learned counsel for the informant have opposed the prayer stating that there is allegation of abusing and assaulting the informant by the appellants.

Having heard both sides and in view of fact that allegation of abusing the informant is against appellant No.1 and so far other appellants are concerned, allegation of assault is general and omnibus against appellants Nos. 2 to 7, considering the aforesaid aspect of the matter, the appeal with respect to appellants Nos. 2 to 7 is allowed, let appellants Nos. 2 to 7 surrender in the court of Special Judge and on their so surrendering the court will release them on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada, in connection with SC/ST P.S.Case



No. 17 of 2016, subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, they will co-operate in disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail and further they will not induce any witness or tamper with the evidence.

So far appeal with respect to appellant No.1 is concerned, the same is dismissed. Let appellant No.1 surrender and pray for regular bail, which shall be considered on its own merit, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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