

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.476 of 2018

Arising Out of PS.Case No. -45 Year- 2017 Thana -SC/ST District- BANKA

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1. Rajesh Yadav Son of late Prasadi Yadav
 2. Kailash Yadav@ Shyam Yadav Son of late Prasadi Yadav
 3. Ganesh Yadav Son of late Prasadi Yadav
 4. Ashok Yadav@ Thithar Yadav Son of late Prasadi Yadav
 5. Dashrath Yadav Son of late Garju Yadav
 6. Pappu Yadav
 7. Bambam Yadav Both Sons of Dashrath Yadav
 8. Seth Yadav Son of Banarsi Yadav
 9. Mukesh Yadav Son of Nourangi Yadav
 10. Mahendra Yadav Son of late Chunchun Yadav All are resident of Village- Bhatkundi,P.S. Banka, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Banka, in Banka SC/ST Police Station Case No.45 of 2017 registered under Sections 147/341/323/308/504/506 of the Indian Penal Code and Sections 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant Rajesh Yadav is alleged to have abused the informant by taking caste name, his prayer for anticipatory bail is not maintainable in view of the bar under Section 18 of the Act.



Accordingly, his prayer for anticipatory bail is refused as not maintainable.

There is general and omnibus allegation against other appellants, who have committed subsequent occurrence of assault and abuse by taking caste name. There is no specific averment as to which of the accused had uttered which name of the caste.

Considering the general and omnibus nature of allegation against other appellants, let they, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and the appeal is disposed of.

(Birendra Kumar, J)

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