

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.100 of 2018

Arising Out of PS.Case No. -15 Year- 2015 Thana -TEKARI District- GAYA

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1. Binda Yadav, Son of Late Deonandan Yadav,
2. Raj Kumar Yadav, Son of Binda Yadav,
3. Sanjay Yadav @ Sanjay Kr. Yadav, Son of Pachan Yadav,
4. Vicky Kumar @ Lalu, Son of Binda Yadav,
5. Shiv Kumar @ Shiv Kumar Yadav, Son of Binda Yadav,
6. Santosh Yadav @ Santosh Kumar Yadav, Son of Ramchandra Yadav,
7. Naresh Yadav @ Ram Naresh Yadav, Son of Late Raghunandan Yadav,
8. Ranjeet Yadav @ Ranjeet Kr. Yadav, Son of Late Raghunandan Yadav,
9. Kamlesh Yadav @ Sadhu, Son of Pachan Yadav, All resident of Village-Kamalpur, P.S.- Tekari, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 22-03-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST, Gaya in connection with Tekari P.S.Case No. 15 of 2015 registered under Sections 147,149,341,323,307,379 and 504 of the Indian Penal Code as well as under Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes Act.

Both sides are neighbours.



Submission is that there is land dispute and for parking of the vehicle, there is general and omnibus allegation against the appellants of commission of abuse by taking caste name of the informant and others. Submission is that to attract the offence of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the allegation must be specific.

Considering the facts of this case, let the appellants, above named, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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