

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1406 of 2018

Arising Out of PS.Case No. -55 Year- 2018 Thana -BELAGANJ District- GAYA

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1. Jamuna Yadav @ Yamuna Yadav
 2. Umesh Yadav
 3. Rajdeo Yadav, all Appellant no. 1 to 3 are Sons of Rameshwar Yadav
 4. Sudhir Yadav
 5. Sindhu Yadav @ Sindu Yadav
 6. Subodh Yadav, all Appellant no. 4 to 6 are Sons of Jamuna Yadav
 7. Deepak Yadav Son of Raj Kumar Yadav
 8. Karu Yadav Son of Bindeshwar Yadav
 9. Shailendra Yadav Son of Bindeshwar Yadav
 10. Bablu Yadav Son of Raj Kumar Yadav
 11. Rajesh Yadav Son of Harkhu Yadav All Appellant no. 1 to 11 are Resident of Village-Dariyapur, P.O. Panari, Police Station-Belaganj, District-Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by order dated 20.03.2018 passed in A.B.P. No. 55 of 2018 by the learned Exclusive Special Judge, S.C./S.T., Gaya in Belaganj P.S. Case No. 55 of 2018 registered under Sections 323, 341, 342, 504/34 of the Indian Penal Code as well as Section 3(1)(r)(w)(1)(2) (v) of the SC/ST Act.

Though allegation in the FIR is general and omnibus



that the appellants to have abused and assaulted to the informant by taking caste name. However, the material collected during investigation would reveal that the children of two family had quarreled and for that reason the case was lodged.

Considering the nature of material it is evident that the appellants were not intending to humiliate a member of the scheduled caste, hence, 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 bail on furnishing bail bonds of Rs.20,000/- (rupees 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	10.07.2018
Transmission Date	10.07.2018

