

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1800 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- KAUWAKOL District- Nawada

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1. Baleshwar Yadav @ Baleshwar Pd. Yadav, Son of Late Munsii Yadav
 2. Nawal Yadav @ Nawal, son of Govind Yadav.
 3. Binod Yadav, son of Ramdev Yadav.
 4. Prakash Yadav, son of Baleshwar Yadav.
 5. Ravindra Yadav @ Ravindra, son of Chambo Yadav.

All are resident of Village - Madhurpur, P.S. - Kawakolla,
District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 01-11-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.04.2018 in A.B.P. No. 437 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with Kawakole P.S. Case No. 60 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.



The occurrence took place for dispute arising of payment of cost of thrashing the paddy. There is general and omnibus allegation against the appellants of commission of assault. Specific allegation is against co-accused Indesh Yadav to have caused injury at the head of the informant. Appellants have stated on oath that they have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the nature of allegation which is general and omnibus as well as the background of allegation which does not show that the appellants had any intention to humiliate a member of the schedule caste, 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 as well as



condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned order **is set aside** and this appeal stands allowed.

(Birendra Kumar, J)

Kundan

AFR/NAFR	N.A.
CAV DATE	N.A.
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