

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3440 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

1. Rajendra Yadav, S/o Late Dalbati Yadav,
2. Shankar Yadav S/o Late Dalbati Yadav,
3. Gora Yadav, S/o Late Madan Yadav, All are R/o Vill.- Kusa, P.S.- Magadh University, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No-2
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 03.07.2018 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No.148 of 2018, arising out of Magadh University Police Station Case No.28 of 2018 registered under Sections 341, 323, 354, 307, 504, 506/34 of the Indian Penal Code and Sections 3 (i) (R) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to Fardbeyan recorded on 24.02.2018 relating to occurrence dated 15.02.2018, the appellants entered



into the house of the informant and committed abuse and assault as well as attempted to outrage the modesty. The F.I.R. was registered on 09.03.2018.

Submission is that during investigation it has surfaced that the informant was going to construct a hut at the public land which was used as *Raasta* by the villagers, including the appellants and appellants had asked him not to construct the hut and for that reason the present false case has been lodged. The appellants have got no criminal antecedent.

Considering the aforesaid facts, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.



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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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