

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3426 of 2017

Arising Out of PS.Case No. -190 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

- =====
1. Dabloo Kumar Yadav @ Saurav Kumar, Son of Batohi Yadav aged about 22 years.
 2. Hari Yadav alias Hari Narayan Yadav, son of Biltu Yadav age about 40 Years.
 3. Indrajeet Yadav alias Indrajeet Kumar Yadav, Son of Ram Chandra Yadav age about 27 years.
 4. Gopal Yadav, son of Late Yogi Yadav @ Yogi aged about 40 Years.
 5. Sunil Yadav @ Sunil Kumar, Son of Mishrlal Yadav aged about 35 years.
 6. Pankaj Yadav, Son of Rajaram Yadav age about 27 years,
 7. Ajeet Kumar Yadav, Son of Premlal Yadav, age about 23 years.
 8. Lalan Kumar Yadav alias Pranav Kumar @ Lalan Kumar, Son of Jai Krishna Yadav aged about 22 years.
 9. Sanjeet Yadav alias Sanjeet Kumar Ranjan, Son of Ram Chandra Yadav aged about 25 years.
 10. Bholu Yadav alias Karamjeet Ranjan, Son of Ram Chanda Yadav age about 22 years.
 11. Ranjeet Yadav alias Ranjeet Kumar Ranjan, son of Ram Chanda Yadav age about 30 years,
 12. Ram Chandra Yadav, Son of Late Baijnath Yadav age about 43 years.
 13. Raju Kumar Yadav @ Raju Kumar Raj, Son of Ramchandra Yadav age about 21 years,
 14. Pintu Kumar Yadav, son of Jibachh Yadav age about 30 years.
 15. Dinesh Yadav, Son of Parikshan Yadav age about 45 years. All of Village Kabirchak, P.S.- Sadar, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Shama Sinha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 13-03-2018 The appeal is barred by limitation. The delay is explained in I.A. No.98 of 2018 filed under Section 5 of the Limitation Act. Hence, the delay in filing of this appeal is



condoned.

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge 1st -cum-Special Judge (S.C./S.T. Act), Darbhanga, in Sadar Police Station Case No.190 of 2016 registered under Sections 147/148/149/341/323/354/379/324 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The occurrence of abuse and assault took place for political rivalry. The doctor has found simple injury and the allegation of commission of abuse by taking caste name is general and omnibus.

Submission is that to attract bar under Section 18 of the Act, the accusation under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, must be specific against individual appellant which is not there.

Considering the general and omnibus nature of allegation, 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/- (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 allowed.

(Birendra Kumar, J)

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