

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.214 of 2018

Arising Out of PS.Case No. -139 Year- 2017 Thana -ALOU LI District- KHAGARIA

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1. Bablu Yadav, Son of Buteli Yadav,
 2. Naresh Yadav, Son of Lutan Yadav,
 3. Umesh Yadav, Son of Tulo Yadav,
 4. Buteli Yadav @ Bateli Yadav, Son of Ramswarup Yadav, All are resident of Village- Sahasi, P.S.- Alouli, District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Praveen Kumar Agrawal, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-03-2018 Appellant No.4 Buteli Yadav @ Bateli Yadav has already been arrested. Hence, his prayer for anticipatory bail is dismissed as infructuous.

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 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge 1st -cum-Special Judge, Khagaria, in connection with Alouli Police Station Case No.139 of 2017 registered under Sections 341/323/447/307/504/506/34 of the Indian Penal Code and Sections 3(i) (r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that there is general and



omnibus allegation of commission of abuse by taking caste name of the informant as well as of commission of assault.

Submission is that to attract the offences under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the attribution must be specific.

Considering the facts of this case, let the appellants, namely, appellant No.1 Bablu Yadav, appellant No.2 Naresh Yadav and appellant No.3 Umesh Yadav, 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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