

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1225 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- TANKUPPA District- Gaya

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1. Bhim Yadav, S/o Late Ram Sahay Yadav,
 2. Mahesh Yadav,
 3. Gora Yadav,
 4. Guddu Yadav 2 to 4 are Sons of Bhim Yadav, All are R/o vill.- Samangari, P.S.- Tankuppa, Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deep Nishi
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 16-07-2018

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 12.03.2018 passed by the learned Special Judge, SC/ST Act, Gaya in A.B.P. No.45 of 2018, arising out of Tankuppa Police Station Case No.10 of 2018 registered under Sections 341, 323, 504, 506, 427/34 of the Indian Penal Code and Section 3 (i)(x)(5)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., informant was constructing a toilet at his own land when the appellants abused by taking caste name.

Submission is that the plot no. 945 is recorded in the Register-II in the name of appellants namely, (1) Mahesh Yadav and (2) Gora Yadav, as such bona fide claim of the appellants is there on the said land and just to



pressurize this false case has been lodged. A copy of Register-II is at Annexure-2.

Finding substance in the aforesaid submission, 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 is allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

