

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1335 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -SC/ST District- SAHARSA

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1. Bijen Yadav, Son of Hiralal Yadav.
2. Bhaiyalal Yadav @ Bhailal Yadav, Son of Hiralal Yadav.
3. Pramod Yadav, Son of Chandeshwari Yadav.
4. Chandeshwari Yadav, Son of Late Sunar Yadav.
5. Sanjay Yadav, Son of Bindo Yadav.
6. Rupesh Kumar, Son of Sanjay Yadav.

All are resident of village-Belwara, P.S.-Bakhtiyarpur, District-Saharsa.
.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nafisuzzoha, Adv.
For the Respondent/s : Mr. Sri Lakshmi Kant Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 22-03-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa SC/ST P.S.Case No. 01 of 2016 registered under Sections 147,149,341,323,384,385,504,506 of the Indian Penal Code as well as under Sections 3(i)(v)(x) of the Scheduled Castes and Scheduled Tribes Act.

The FIR would reveal that for land dispute, there is general and omnibus allegation against the appellants to have abused and committed assault to the informant by taking caste name.



Submission is that the land dispute is the background of the false allegation and the allegation is not specific against any of the individual accused to attract the ingredients of offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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, this appeal stands allowed.

(Birendra Kumar, J)

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