

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.378 of 2018**

Arising Out of PS.Case No. -9 Year- 2018 Thana -PARAIYA District- GAYA

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1. Heria Devi, W/o Chandra Mani Yadav,  
2. Chandra Mani Yadav S/o Late Bisheshar Yadav,  
3. Padum Yadav S/o Late Bisheshar Yadav, All R/o village- Bhairapur,  
P.S.- Paraiya, District- Gaya.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sudhir Kumar Sinha, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      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 Special Judge, SC/ST, Gaya in connection with Paraiya P.S.Case No. 09 of 2018 registered under Sections 341,323,325,427,379,504,506,/34 of the Indian Penal Code as well as under Sections 3(1)(g)(s)of the Scheduled Castes and Scheduled Tribes Act.

The appellants were consuming Ganja. The informant forbade and for that reason, the appellants allegedly abused and assaulted to the informant by taking caste name.



Submission is that the allegation is general and omnibus and to attract the ingredients of offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the attribution must be specific. The FIR does not show that the appellants were intending to humiliate a member of the scheduled caste.

Considering the facts of this case aforesaid, in my view, the appellants deserve anticipatory bail, 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)**

Nitesh/-

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