

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.695 of 2019**

Arising Out of PS. Case No.-200 Year-2018 Thana- NARDIGANJ District- Nawada

1. Rakesh Kumar, Son of Trigun Yadav @ Trigun Prasad
 2. Shalok Yadav Son of Raj Kumar Yadav
 3. Sudhir Yadav Son of Khelawan Yadav
 4. Binod Yadav Son of Late Ruplal Yadav
 5. Indal Yadav @ Indal Kumar Son of Sudhir Kumar
- All are Resident of Village - Sandohara, P.S.-Nardiganj, District - Nawada.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kiran Sinha
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-02-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 18.01.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Nawada in ABP No. 2153 of 2018 arising out of Nardiganj P.S.Case No. 200 of 2018 registered under Sections 147,148,149, 307, 323, 325, 341, 354B, 379, 452, 504 and 506 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation, as per the FIR, is that appellants along with



other accused persons came variously armed and there is specific allegation of assault is against other accused persons to the informant.

Submission of learned counsel for the appellants is that general and omnibus allegation is attributed but nothing specific has been mentioned. So far these appellants are concerned, they may be members of a mob but no offence under section 325 of the Indian Penal Code is made out and the allegation under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is ornamental in nature.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, Nawada in ABP No. 2153 of 2018 arising out of Nardiganj P.S.Case No. 200 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.



Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

