

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13581 of 2019

Arising Out of PS. Case No.-357 Year-2016 Thana- FATEHPUR District- Gaya

1. RAVINDRA YADAV, Son of Indradeo Mahato @ Brahmdeo Yadav, Resident of Village - Bhalua, P.S.- Fatehpur, Dist- Gaya
2. Subhash Prasad @ Subhash Yadav, Son of Kedar Mahato @ Kedar Yadav, Resident of Village - Bhalua, P.S.- Fatehpur, Dist- Gaya
3. Santosh Yadav @ Santosh Kumar, Son of Kedar Mahato @ Kedar Yadav, Resident of Village - Bhalua, P.S.- Fatehpur, Dist- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh
For the Opposite Party/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-03-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Fatehpur Police Station Case No. 357 of 2016 (POSCO Case No. 64 of 2016), disclosing offences under Sections 147, 341, 323, 448, 354, 354(A) (I), 354 (B), 354(D)(i) of the Indian Penal Code and Sections 3 (1) (r), 3 (1) (s), 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned Counsel for the petitioners has submitted that on the basis of what has been alleged in the First Information



Report, it cannot be said that any offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out because there is no allegation that the accused persons knew that the informant belongs to Scheduled Caste. There is vague allegation of teasing the informant and making assault.

Allegedly, the informant had given the petitioner no. 1, to the tune of Rs. 1,46,000/-, which, the petitioner no. 1 has refused to return.

In view of the nature of allegation made in the First Information Report, in my view, a case for grant of privilege of anticipatory bail is made out.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I -cum- Special Judge (POSCO Act), Gaya, in connection with Fatehpur Police Station Case No. 357 of 2016 (POSCO Case No. 64 of 2016), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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