

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1048 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- TEKARI District- Gaya

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LALDEO YADAV Son of Buttu Yadav Resident of Village-Ijmail Balwapar,
Police Station-Tekari, District-Gaya. Appellant/s

Versus

The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No2

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 24-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 08.02.2019 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Tekari P.S. Case No. 15 of 2018 registered under Sections 341, 323, 325, 307, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(i) (r) (f) (w) (j) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other accused persons are said to have abused the pregnant wife of the informant and shoving her on the ground, holding her hair assaulted on her stomach by means of leg resultantly his wife fell senseless.



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. There is no eye witness of the occurrence. No offence under SC/ST Act is made out against him. Appellant is of different village and he is simply said to have slated the victim but not in the name of her caste. There is no injury report of the victim in the case diary.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with Tekari P.S. Case No. 15 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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