

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1150 of 2019**

Arising Out of PS. Case No.-24 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. Vikas Prasad Yadav Son of Raj Kumar Prasad Yadav
 2. Pappu Prasad Yadav Son of Kishori Prasad Yadav
 3. Shivan Prasad Yadav @ Shivrindan Prasad Yadav Son of Late Karu Prasad Yadav
 4. Vijay Prasad Yadav @ Binay Prasad Yadav Son of Late Yogeshwar Prasad Yadav
- All Resident of Village - Naudiha Jamunapur, P.S.- Atri, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ranjit Chaudhary, Son of Late Karu Chaudhary, Resident of Village - Naudiha Jamunapur, P.S.- Atri, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh
For the Respondent/s : Mrs.Usha Kumari 1

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

Date : 01-04-2019

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 14.02.2019 passed by the learned Exclusive Special Judge, SC/ST Gaya in ABP No. 23 of 2019 arising out of Complaint Case No. 24 of 2018 registered under Section 323 of the Indian penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant no. 1 is that he caught



hold the complainant and tried to press her neck with Gamchha and also snatched her mobile. It is also alleged that other accused persons assaulted her and also abused by taking caste name.

Submission of learned counsel for the appellants is that as a matter of fact prior to lodging of this case, a case has been lodged by one Upendra Prasad against the complainant and others for stealing his she-goat and when he protested, he was assaulted by the complainant and others. He submits that appellants had protected Upendra Prasad as such due to that reason, present case has been lodged to put pressure on the appellants and that too after delay of five days of occurrence.

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 Exclusive Special Judge, SC/ST, Gaya in ABP No. 23 of 2019 arising out of Complaint Case No. 24 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	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

