

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1240 of 2019

Arising Out of PS. Case No.-110 Year-2016 Thana- MANJHI District- Saran

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1. OM PRAKASH YADAV @ BHAGHA YADAV @ BAGHA YADAV S/o Indradeo Yadav Resident of Village-Chakiya, P.S.-Manjhi, District-Saran.
 2. Shailesh Yadav @ Shailesh Kumar S/o Nagnarayan Yadav Resident of Village-Chakiya, P.S.-Manjhi, District-Saran.
 3. Mukesh Yadav @ Muesh Kumar S/o Ravindra Yadav Resident of Village-Chakiya, P.S.-Manjhi, District-Saran.
 4. Prince Yadav @ Vigan Yadav @ Prince Kumar S/o Ravindra Yadav Resident of Village-Chakiya, P.S.-Manjhi, District-Saran.
 5. Putul Yadav @ Putul Kumar S/o Late Ravindra Yadav Resident of Village-Chakiya, P.S.-Manjhi, District-Saran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anant Kumar Bhaskar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 09-08-2019 Heard learned counsel for the appellants 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 11.12.2018 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Manjhi P.S. Case No. 110 of 2016 registered under Sections 341, 323, 325,



504 & 506 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Om Prakash Yadav and appellant Mukesh Yadav slated the informant over demanding the price of chicken by the informant and subsequently all the accused persons named in the F.I.R. descending at the door of the informant assaulted the informant, his wife and son making them injured. Appellant Om Prakash Yadav resorted firing by means of pistol but he left unhurt and they also slated him in the name of caste during the course of retreat.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to animosity. There is case and counter case between the parties. The allegation levelled against the appellants are not specific rather general and omnibus in nature. They have no criminal antecedent.

On the other hand, learned Spl. PP for the State opposing the prayer for bail submitted that besides assaulting the informant, his wife and son, the appellants have also slated him in the name of caste and the wife of the informant sustained



grievous injury. Hence, offence under SC/ST Act is made out against the appellants and anticipatory bail is not maintainable.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellants on bail. The prayer for bail of the appellants is hereby rejected. However, the appellants are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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