

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1237 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- MUFFASIL District- West Champaran

1. Rajnish Kumar Yadav @ Rajnish Yadav Son of Sri Rambabu Prasad Yadav @ Rambabu Yadav, Resident of Village-Parvatia Tola, P.S.-Bettiah Muffasil, District-West Champaran.
2. Arvind Kumar Yadav @ Arvind Yadav @ Bhim Son of Sri Ram Sewak Yadav, Resident of Village-Parvatia Tola, P.S.-Bettiah Muffasil, District-West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate. Mrs. Rashmi Jha, Advocate.
For the Respondent/s	:	Mrs. Usha Kumari-1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 23-08-2019 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 25.02.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 08 of 2019 registered under Sections 341, 323, 324, 307, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (w) (2) (va)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Both the appellants are said to have slated the informant in the name of his caste on demand of price of sleeper purchased by the appellant Rajnish Yadav on credit and appellant Rajnish Yadav is said to have assaulted on his chest by means of knife.

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. As a matter of fact, some scuffle took place between the appellants and the informant over playing of cricket and due to said scuffle the informant sustained injury. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Independent witnesses in paras 9-10 of the case diary have also stated that the quarrel took place between the appellants and the informant in course of playing cricket and the appellant assaulted the informant by means of bat. The aforesaid witnesses have denied assaulting the informant by means of knife by appellant no.1. They have also not stated about slating the informant in the name of caste by the appellants. Though the doctor has found the injury of informant as grievous in nature



but caused by hard and blunt substance which creates serious doubt about the prosecution case. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 08 of 2019, 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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