

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1292 of 2019**

Arising Out of PS. Case No.-423 Year-2018 Thana- BARH District- Patna

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1. RANJAN KUMAR @ GENHARI RAI @ GENHARI YADAV Son of Ram Nandan Rai, Resident of Village- Bhatgaon, P.S.- Barh, District- Patna.
 2. Rajesh Kumar, Son of Ram Nandan Rai, Resident of Village- Bhatgaon, P.S.- Barh, District- Patna.
 3. Suresh Prasad Yadav @ Suresh Yadav S/o Late Rajendra Rai, Resident of Village- Bhatgaon, P.S.- Barh, District- Patna.
 4. Brij Nandan Prasad Yadav @ Jagdhar Rai, Son of Ishwar Rai Resident of Village- Bhatgaon, P.S.- Barh, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prem Kumar
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER**

3 25-06-2019 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 referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 02.01.2019 passed by the learned Special Judge SC/ST Act-cum-Additional Sessions Judge-IV, Patna in connection with Barh P.S. Case No. 423 of 2018 registered under Sections 341, 323, 504 & 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

11 accused persons including the appellants are said to have assaulted the informant and his father by means of lathi and iron rod and slated the informant in the name of his caste and extended threatening in case of lodging the case by him.

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. There is a case and counter case between the parties. The allegation levelled against the appellants are not specific rather general and omnibus in nature. Appellant nos.1, 2 & 4 have no criminal antecedent. Similarly situated co-accused Pappu Rai @ Pappu Yadav and others have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 28.03.2019 in Cr. Appeal (SJ) No.1045 of 2019.

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

In the facts and circumstances of the case, the above named appellants are directed to 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 Special Judge SC/ST Act-cum-
Additional Sessions Judge-IV, Patna in connection with Barh
P.S. Case No. 423 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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