

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1312 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- VISHNUPAD District- Gaya

CHHOTU YADAV @ UTTAM KUMAR S/O Dinesh Kumar R/o
Ghughritand, P.S.- Vishnupad, District Gaya, Bihar..... Appellant/s
Versus

THE STATE OF BIHAR..... Respondent/s

Appearance :

For the Appellant/s : Mr.Brijeshwar Narayan Singh
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 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 04.02.2019 passed by learned Special Judge SC/ST, Act, Gaya in connection with Vishnupad P.S. Case No. 13 of 2019 registered under Sections 341, 323, 452, 354, 379, 504, 506/34 of the Indian Penal Code and also under Section 3 (I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with other co-accused is said to have slated the informant in the name of his caste and also assaulted his son and wife. Accused Kundan Yadav is said to have assaulted on the head of the informant by means of butt of pistol.



It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the appellant is not specific rather general and omnibus in nature. He has no criminal antecedent. Other co-accused persons have been enlarged on regular bail by the learned lower Court, so he may be enlarged on bail.

Learned Spl. P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected.

However, the appellant is directed to surrender before the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order on the very day of surrender of the appellant.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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