

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1363 of 2019

Arising Out of PS. Case No.-437 Year-2018 Thana- MAHESI District- East Champaran

Shambhu Yadav, Son of Late Jamadar Ray, Resident of Village-Harpurnag,
(Sarai Banwari), Police Station-Mehsi, District-East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 26-04-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 08.03.2019 passed by learned 1st Addl. Sessions Judge
cum Special Judge (SC/ST Act), East Champaran, Motihari in
Mehsi P.S. Case No. 437 of 2018 registered under Sections 323,
341, 325, 506 and 379/34 of the Indian Penal Code and Section
3(X) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.

Appellant along with other F.I.R. named accused
persons are said to have slated the informant in the name of his



caste over plying tractor on lower charge and appellant also slapped him and tried to torch his tractor.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. The allegation of slating the informant in the name of his caste levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury. Informant and appellants happen to be supporter of the different candidates of Mukhiya and due to the aforesaid political rivalry he has been falsely implicated in the case by the informant at the instance of rival candidate. He has no criminal antecedent and has been languishing in custody since 20.02.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), East Champaran, Motihari in connection with Mehsi P.S.



Case No. 437 of 2018.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	27.04.2019
Transmission Date	27.04.2019

