

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1432 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- PALIGANJ District- Patna

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1. MANJAY YADAV @ MANJAY KUMAR S/o Bhim Yadav R/o village- Amarpura, P.S.- Paliganj, District- Patna.
 2. Manoj Yadav @ Manoj Kumar S/o Bhim Yadav R/o village- Amarpura, P.S.- Paliganj, District- Patna.
 3. Bhim Yadav S/o Late Panda Yadav R/o village- Amarpura, P.S.- Paliganj, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Satish Chandra
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 26-06-2019 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 22.2.2019 passed by learned Special Judge, SC/ST (POA) Act, Patna in connection with Paliganj P.S. Case No. 26 of 2019, registered under Sections 341, 147, 148, 149, 307, 379, 504 of the Indian Penal Code and Section 25 (i) (a) 26/27 of the Arms Act and also under Section 3 (i) (r) (s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with 15 unknown persons are said to have surrounded the informant and his nephew near Shiv temple and slated them in the name of their caste. They also resorted indiscriminate firing on the informant and his nephew but both of them managed to escape unhurt. One misfired cartridge was recovered from the P.O. by the informant and produced before the police.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics and ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There were 18 accused persons including the appellants present at the P.O. but informant has not disclosed any specific name as a person slating them in the name of their caste. No one has sustained gun shot injury in the occurrence, hence, no offence under SC/ST Act is made out against the appellants. No ammunition has been seized by the police rather produced before the police by the informant. They have no criminal antecedent.

Learned Spl. P.P. 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 (POA) Act, Patna in connection with Paliganj P.S. Case No. 26 of 2019 (arising out of Special Case No. 34 of 2019), subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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