

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1476 of 2019**

Arising Out of PS. Case No.-1 Year-2017 Thana- TANDWA District- Aurangabad

Shankar Yadav, Son of Satyanarayan Yadav Resident of Village - Khazuri
Tikka, P.S.- Tandwa, Distt.- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 15-04-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 12.03.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Aurangabad in connection with Tandwa P.S.Case No. 01 of 2017 registered under Sections 323, 325, 341, 379, 447, 504/34 of the Indian penal Code and Sections 3(i)(r)(s)(w)(b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that accused persons including the appellant came at door of the informant and abused her by caste name and asked as to why her son did not work for them and on objection, the appellant thrashed her on the ground and



all accused persons assaulted by lathi and danda causing fracture in her hand. They also assaulted her son and further Satya Narayan Yadav disrobed her and Panama Devi assaulted her with fist and slaps.

Submission of learned counsel for the appellant is that material collected during course of investigation shows that there was scuffle between the children of both sides and present case has been lodged making false allegation of abusing by caste name and so far injuries are concerned, they are simple in nature.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five 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, Aurangabad in connection with Tandwa P.S.Case No. 01 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.



Accordingly, the appeal is allowed and the impugned order is set aside with respect to him.

(Vinod Kumar Sinha, J)

sujit/-

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CAV DATE	
Uploading Date	
Transmission Date	

