

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1527 of 2019

Arising Out of PS. Case No.-357 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Musafir Yadav @ Mosafir Yadav Son of Dharam Yadav Resident of Village- Dumari, P.S.- Majhauria, District- West Champaran.
2. Gayatri Devi @ Gayatri Kumari Daughter of Musafir Yadav Resident of Village- Dumari, P.S.- Majhauria, District- West Champaran.
3. Om Prakash Yadav Son of Musafir Yadav @ Mosafir Yadav Resident of Village- Dumari, P.S.- Majhauria, District- West Champaran.
4. Nain Devi Wife of Musafir Yadav @ Mosafir Yadav Resident of Village- Dumari, P.S.- Majhauria, District- West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 27-06-2019 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 28.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Majhauria P.S. Case No. 357 of 2018 registered under Sections 341, 323, 324, 504 & 506/34 of the Indian Penal Code and Section 3(i) (a) (r) (3) 3 (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over non-payment of compensation for breaking the horn of she buffalo of the appellants, the appellants surrounded the informant with arms and slated him in the name of his caste and appellant no.1 Musafir Yadav @ Mosafir Yadav assaulted on his hand and leg inflicting fracture injury thereon by sharp edged weapon.

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 due to dirty village politics. As a matter of fact, the informant has broken the horn of the she buffalo of the appellants for which the appellant no.1 made complain to sarpanch on 12.08.2018 and being peeved with the same the informant has lodged this false and frivolous case on 14.08.2018 venting the date of occurrence of one week back. The allegation of slating the informant in the name of his caste is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposing the prayer for bail submitted that slating the informant in the name of his caste against the appellants is not specific rather general and omnibus in nature but appellant no.1-Musafir Yadav @ Mosafir Yadav is said to have inflicted injury on the leg and hand of the



informant. Hence, appellant no.1 does not deserve bail.

In the facts and circumstances of the case, the above named appellants, except appellant no.1-Musafir Yadav @ Mosafir Yadav, 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 1st Addl. Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Majhauria P.S. Case No. 357 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The prayer for bail of appellant no.1-Musafir Yadav @ Mosafir Yadav is hereby rejected. However, he is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender of the appellant.

Accordingly, this appeal is disposed of.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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