

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1573 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- AGIAON District- Bhojpur

-
1. BALESHWAR YADAV @ BALESHWAR SINGH Son of Chuti Yadav Resident of Village-Ratnadh, P.S-Agion (G), District-Bhojpur.
 2. Raj Kishor Yadav @ Raj Kishor Singh Son of Baleshwar Yadav@ Baleshwar Singh Resident of Village-Ratnadh, P.S-Agion (G), District-Bhojpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manoj Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 05-08-2019 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 13.03.2019 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 234 of 2018, arising out of Agion (G) P.S. Case No. 101 of 2018 registered under Sections 341, 323, 504, 379, 325, 307/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Seven accused persons including the appellants are said to have slated the informant in the name of his caste near temple and assaulted him by means of lathi. They also assaulted his daughter and son and made them injured.

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. As a matter of fact, the villagers had apprehended the informant and others over illegal transporting of the cattle, regarding the said occurrence, police has lodged Agion Grahani P.S. Case No. 99 of 2018 against the informant and others and on retaliation of the said case informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant and his son have sustained simple injury in the occurrence though injury report of the daughter of the informant is kept reserved but she has sustained injury on her hand not on the vital part of the body. Moreover, appellants are not said to have slated the informant in the specific name of his caste. 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 in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 Additional District & Sessions Judge, Bhojpur at Ara, in connection with SC/ST Case No. 234 of 2018, arising out of Agion (G) P.S. Case No. 101 of 2018, 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)

T.Kr./-

U		T	
---	--	---	--

