

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1530 of 2019**

Arising Out of PS. Case No.-189 Year-2018 Thana- TEKARI District- Gaya

1. Kush Rauth @ Kush Raut Son of Bishwanath Raut Resident of Village - Malsari, P.S.- Tekari, Distt.- Gaya.
2. Parsuram Yadav Son of Late Bajrangi Yadav Resident of Village - Malsari, P.S.- Tekari, Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ravindra Kumar Sinha  
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

3      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 14.02.2019 passed by learned Exclusive Special Judge (SC/ST) Act, Gaya in connection with Tekari (Panchanpur) P.S. Case No. 189 of 2018 registered under Sections 147, 148, 149, 341, 323, 326, 448, 307, 504 & 506 of the Indian Penal Code and Section 3(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Kush Raut and Briendra Yadav are said



to have assaulted Bhuneshwar Manjhi by means of pistol, appellant Parsuram Yadav along with three other named accused persons are said to have assaulted Chandeshwar Manjhi by means of lathi and also slated them in the name of their caste while other accused persons assaulted other persons by means of firearm.

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. The allegation of slating the informant and others in the name of their caste is not specific rather general and omnibus in nature. They are not said to have slated them in their specific caste name. None has sustained any injury allegedly assaulted by the appellants. Appellants have no criminal antecedent. Co-accused Babun Yadav @ Bubun Yadav who is said to have resorted firing and another co-accused Yogendra Yadav have been enlarged on bail by different co-ordinate Bench of this Court vide order dated 28.03.2019 and 21.05.2019 in Cr. Appeal (SJ) Nos.225 of 2019 and 1194 of 2019 respectively.

Learned Spl. PP 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 Exclusive Special Judge (SC/ST) Act, Gaya in connection with Tekari (Panchanpur) P.S. Case No. 189 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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