

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1590 of 2019**

Arising Out of PS. Case No.-21 Year-2018 Thana- SC/ST District- Banka

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1. RAJESH YADAV S/o Late Manosi Yadav Resident of Village- Jabra, P.S.-
Rajoun, District- Banka.
 2. Barun Yadav Son of Shakleshwar Yadav Resident of Village- Jabra, P.S.-
Rajoun, District- Banka.
 3. Subodh Yadav Son of Shakleshwar Yadav Resident of Village- Jabra, P.S.-
Rajoun, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mukherjee

For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 28-06-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 27.02.2019 passed by learned 1st Addl. Sessions Judge,
Banka in Banka SC/ST P.S. Case No. 21 of 2018 registered
under Sections 341, 323, 354, 504 and 506 of the Indian Penal
Code and Section 3(i)(w) of the SC/ST Act.



Appellants are said to have slated the informant and his family members in the name of their caste and also assaulted the informant and dragged his daughter catching hold her hand intruding into his house as informant stopped taking construction work from the appellant Rajesh Yadav.

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. Allegation of slating and assaulting levelled against the appellants is general and omnibus in nature. No one has sustained any injury. Appellants are said to have slated the informant and his family members in the name of their caste intruding into his house and not in public view, hence no offence under SC/ST Act is made out against the appellants.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions



Judge, Banka in Banka SC/ST P.S. Case No. 21 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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