

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1795 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- MANPUR District- Nalanda

CHETAN YADAV Son of Sri Bindeshwari Prasad Mandal Resident of Village
- Sarbahdi, P.S.- Manpur, Dist.- Nalanda..... Appellant/s

Versus

THE STATE OF BIHAR..... Respondent/s

Appearance :

For the Appellant/s : Mr.Awadhesh Kumar Pandit
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 10-07-2019 Heard learned counsel for the appellant 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 05.04.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 20 of 2019, registered under Sections 147, 148, 149, 341, 323, 504, 506 of the Indian Penal Code and 27 of the Arms Act and also under Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with four other named accused persons are said to have slated the informant near the bridge



during course of producing for defecation and appellant assaulted on the temple of the informant by means of butt of the pistol inflicting injury to him. Other accused persons also assaulted him by means of lathi.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. As a matter of fact, the father of the co-accused Ajit Kumar has lodged case against the family members of the informant earlier to the case under hand and as appellant happens to be family member of the said accused, he has been falsely implicated in this case by the informant. Allegation of slating the informant in the name of his caste levelled against the appellant is not specific rather general and omnibus in nature. Moreover, the aforesaid occurrence is said to have taken place near the bridge, i.e. desolate place and none was present there at the relevant time as as per the averment made in the F.I.R itself villagers came there responding hulla made by the informant so aforesaid slating did not take place in public view. Injury sustained by the informant is simple in nature. He has 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 appellant is directed to be enlarged on bail in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Manpur P.S. Case No. 20 of 2019, 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)

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