

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1841 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- SIRDALA District- Nawada

NARENDRA KUMAR @ DINESH YADAV @ NIMESH YADAV Son of
Mohan Yadav Resident of Village- Mirjapur, P.S.- Meskaur (Sirdala), District-
Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kiran Sinha
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 08-07-2019 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 27.3.2019 passed by learned 1st Additional Sessions
Judge-cum-Special Judge, Nawada in connection with Sirdala
(Meskaur) P.S. Case No. 192 of 2018, registered under Sections
147, 148, 149, 341, 323, 504 and 308 of the Indian Penal Code
and also under Section 3 (1) (r) (s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Over row of digging the land by the informant for



construction of house from the fund allocated under Indra Awas Scheme appellant and four other named accused persons are said to have descended on his land armed with Khanti, Lathi and Danda and assaulted the informant and his brothers and another slated them in the name of their caste.

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. He has been falsely implicated in this case due to land dispute. There is no specific allegation of assaulting and slating the informant, his brothers and Meena Devi against the appellant. Injury sustained by the victims are simple in nature barring that of injured Meena Devi. Appellant has no criminal antecedent.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that appellant along with other accused persons are said to have slated the informant, his brothers and Meena Devi in the name of their caste and also assaulted them inflicting injury to them hence anticipatory bail is barred under Section 18 SC/ST Act.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellants is hereby rejected.

However, the appellant is directed to surrender before



the learned Court below within six weeks from today and seeks regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order on the very date of surrender by the appellant.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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