

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1903 of 2019

Arising Out of PS. Case No.-266 Year-2017 Thana- BAUNSI District- Banka

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1. PRAMOD YADAV Son of Sri Bhagwan Yadav Resident of Village - Gajjar, P.S.- Bounsi, Dist.- Banka.
 2. Bhagwan yadav Son of Late Huro Yadav Resident of Village - Gajjar, P.S.- Bounsi, Dist.- Banka.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

- 3 09-07-2019 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 14.3.2019 passed by learned 1st Additional Sessions Judge, Banka in connection with Bounsi P.S. Case No. 266 of 2017 (G.R. No. 3614 of 2017), registered under Sections 341, 323, 379, 385, 504, 506/34 of the Indian Penal Code and also under Section 3 (i) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, but cognizance has been



taken against the appellants and others under Sections 341, 323,385, 504, 506/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) (f) of SC/ST Act.

During course of fencing his land by the informant, appellants along with other named accused persons descended there and slated the informant and his wife in the name of their caste and also slapped them and demanded extortion Rs. 50,000/-.

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 case. There is land dispute between the parties. Informant has not sustained injury in the occurrence. Allegation of slating the informant and his wife against the appellants is not specific rather general and omnibus in nature. They have no criminal antecedent.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that besides allegation of slapping the informant and his wife there is allegation of slating them in the name of their caste in public view against the appellants hence offence under SC/ST Act is made out against the appellants and anticipatory bail is barred by Section 18 SC/ST Act. Hence, appellants do not deserve bail.



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

However, the appellants are directed to surrender before the learned Court below within six weeks from today and seek 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 appellants.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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