

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2118 of 2019

Arising Out of PS. Case No.-60 Year-2019 Thana- SALIMPUR District- Patna

1. Arvind Yadav Son of Nandan Yadav Resident of Village-Salimpur, P.S.-Salimpur, District-Patna.
2. Anil Yadav Son of Ram Nandan Yadav Resident of Village-Salimpur, P.S.-Salimpur, District-Patna.
3. Pappu Yadav Son of Ram Nandan Yadav Resident of Village-Salimpur, P.S.-Salimpur, District-Patna.
4. Sunil Yadav Son of Ram Nandan Yadav Resident of Village-Salimpur, P.S.-Salimpur, District-Patna.
5. Biranchi Yadav Son of Navin Yadav Resident of Village-Salimpur, P.S.-Salimpur, District-Patna.
6. Akhilesh Yadav @ Mithlesh Ram Son of Late Rabindra Ram Resident of Village-Salimpur, P.S.-Salimpur, District-Patna.
7. Sudama Kumar @ Bhullu Son of Nathun Ram Resident of Village-Salimpur, P.S.-Salimpur, District-Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Pandey
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-07-
 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 09.04.2019 passed by learned Additional



Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with Salimpur P.S. Case No. 60 of 2019 registered under Sections 147, 148, 149, 341, 323, 307 & 504 of the Indian Penal Code and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated and assaulted the informant who happens to be member of the scheduled caste community by means of pistol and danda and made him injured.

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 due to oblique motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Per contra, learned counsel for the informant and learned Spl. PP for the State opposed the prayer for bail submitting that the appellants have assaulted the informant by means of pistol and danda and made him injured but the learned counsel for the informant was reticent on putting question regarding



the injury sustained by the appellants.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional Sessions Judge-VIII-cum Special Judge SC/ST Act, Patna in connection with Salimpur P.S. Case No. 60 of 2019, 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)

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