

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2032 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- DEO District- Aurangabad

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1. PRAKASH YADAV @ OM PRAKASH YADAV Son of Late Ram Sharan Yadav Resident of Village- Singhwa, P.S.- Deo, District- Aurangabad.
 2. Chinta Devi Wife of Prakash Yadav @ Om Prakash Yadav Resident of Village- Singhwa, P.S.- Deo, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Phulwanti Devi Wife of Mandip Das Resident of Village- Singhwa, P.S.- Deo, District- Aurangabad.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 09-07-2019 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 27.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in Deo P.S. Case No. 46 of 2019 registered under Sections 341, 323, 354 and 504 of the Indian Penal Code and Section 3(i)(r)/3(1)(s)/3(1)(w)(i) and 3(2)(va) of the SC/ST Act.

Over making complain by the informant against the co-accused Akhilesh Kumar over teasing her daughter by him,



four named accused persons including the appellants intruding into the house of the informant slated her in the name of her caste and assaulted her and her daughter by means of leg and fist.

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 ulterior motive. None has sustained injury in the occurrence. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of her caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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, SC/ST Act, Aurangabad in connection with Deo P.S.
Case No. 46 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
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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