

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2081 of 2019**

Arising Out of PS. Case No.-50 Year-2019 Thana- GRIYAK District- Nalanda

RAJESH YADAV Son of Krishna Yadav Resident of Village- Basobag, P.S.-
Giriyak, District- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 24-07-2019 Heard learned counsel for the appellant 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 11.04.2019 passed by learned 1st Addl. Sessions Judge, Nalanda at Biharsharif in Giriyak P.S. Case No. 50 of 2019 registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Sections 3(r)(s) of the SC/ST Act.

While informant and two other accused persons namely Barun Paswan and Rahul Paswan were witnessing quarrel between the appellant and wife of Manoj Rajbanshi, appellant slated the informant in the name of his caste and assaulted on his head by means of rod. He also assaulted Barun



Paswan and Rahul Paswan by means of leg.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because he had made complain against the informant on vending illicit liquor by him. Informant has only made complain of headache as evident from the injury report. There is no injury report of rest two victims on the record. Hence he may be enlarged on bail.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that appellant has slated the informant in the name of his caste in public view and also assaulted him on his head by means of rod and his two companions by leg. Hence offence under SC/ST Act is made out against the appellant and anticipatory bail is barred by Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

However, appellant is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellant on the very date of his surrender in



accordance with law without being prejudiced by this order.
Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

