

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2138 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- SHERGHATI District- Gaya

1. MUNNA YADAV Son of Saudagar Yadav @ Baleshwar Yadav Proprietor of Shri Ram Sweets, Resident of Chatra Road, P.S.-Dobhi, District-Gaya.
2. Balram Yadav Son of Saurhi Yadav Proprietor of Hotel Niyojan, Resident of Village-Manni, P.S.-Dobhi, District-Gaya.
3. Guddu Prasad Keshri @ Guddu Prasad @ Sanjay Prasad Keshri Son of Tulasi Sao Resident of Village-Dobhi, P.S.-Dobhi, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar..... Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 05-08-2019 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 22.04.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 85 of 2019, registered under Sections 370 (A), 374 of the Indian Penal Code and Section 79 of Juvenile Justice Care and Protection of Child Act 2015 and under Section 14 of Child Labour Prohibition and Regulation Act 1986 and also



under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

One minor child was recovered from the hotel and shop sweetmeat of each of the appellants. Appellants are said to have engaged them as child labourer.

It is submitted by the learned counsel for the appellants that appellants have no concern with the aforesaid occurrence. As a matter of fact, they happen to be owner of the shop of sweetmeat etc. and the children were arrived at the shop of appellants for purchasing sweetmeat, biscuits etc., in the mean time raid was conducted and the appellants have been falsely implicated in this case. There is no independent witness of the occurrence as evident from the case diary. They have no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today 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 Exclusive Special Judge, SC/ST, Act, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 85 of 2019, subject to 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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