

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2212 of 2019**

Arising Out of PS. Case No.-52 Year-2019 Thana- KHUSRUPUR District- Patna

Ajay Yadav @ Ajay Kumar Yadav @ Abhay Kumar Yadav Son of Ram Dev Yadav @ Ram Dev Singh Resident of Village - Katauna, P.S.- Khushrupur, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 23.04.2019 passed by learned Addl. Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Khushrupur P.S. Case No. 52 of 2019 registered under Sections 341, 323, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have made attack on the informant and assaulted him by means of butt of the pistol



salting him and when the informant intruded into his house, he resorted firing and left the scene extending threatening of dire consequence.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case over dispute of raising boundary wall as both the appellant and informant are neighbour. The informant has not sustained any sort of injury in the occurrence. There is no allegation of slating the informant in the name of his caste against the appellant, hence, no offence under SC/ST Act is made out against him. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in connection with Khushrupur P.S. Case No. 52 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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