

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2466 of 2019

Arising Out of PS. Case No.-530 Year-2018 Thana- BARH District- Patna

UDAY KUMAR YADAV Son of Sri Mahesh Yadav @ Mahesh Prasad
Resident of Village- Hardiyal Bigha, P.S.- Barh, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Kumar Anand, Advocate
For the Respondent/s : Mr. Usha Kumari 1, No. 1, Advocate.

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

ORAL ORDER

3 02-08-2019 Heard learned counsel for the appellant 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 13.05.2019 passed by learned VIIIth Additional Sessions Judge-cum- Special Judge, SC/ST, Act Patna in connection with Barh P.S. Case No. 530 of 2018, registered under Sections 341, 323, 504 and 34 of the Indian Penal Code and also under Section 3 (i) (r) (s), 2 (V-9) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with three accused persons are said to



have slated the informant addressing him as 'Paswan' and also assaulted him by means of rod inflicting injury to him.

It is submitted by the learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case by the informant due to ulterior motive. The allegation of slating and assaulting the informant levelled against the appellant is not specific rather general and omnibus in nature. Accused persons including the appellant are said to have addressed the informant in the name of his title 'Paswan' which is not an offensive word. Hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent. Similarly situated co-accused Mahesh Kevat has been enlarged on bail by this Court passed in Criminal Appeal (SJ) No. 2519 of 2019 vide order dated 19.07.2019.

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

Having regard to the facts and circumstances of the case, let the above named appellant, be enlarged on bail, in the event of his 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) with two sureties



of the like amount each to the satisfaction of the learned A.D.J.-
VIII -cum-Special Judge, SC/ST Act, Patna in connection with
Barh P.S. Case No. 530 of 2018, 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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