

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2258 of 2019

Arising Out of PS. Case No.-316 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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Ram Nath Yadav Son of Vishwanath Yadav Resident of Village - Gorghatta,
P.S.- Bahadurpur, Distt - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Shahnawaz Ali
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 14-08-2019 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 06.03.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, Darbhanga in Sadar Thana P.S. Case
No. 316 of 2018 registered under Sections 279, 341, 324, 323,
504, 506 of the Indian Penal Code and Section 3(i)(r)(f) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant along with one unknown person is said
to have dashed the bicycle of the informant by their motorcycle,



and on complain made by the informant, appellant slating him in the name of his caste assaulted on his head by means of tangi inflicting head injury to him.

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 due to animosity. As a matter of fact, the informant fell down from the bicycle and sustained injury. Doctor has not found any sharp cut injury on the head of the informant rather the injury is simple in nature caused by hard blunt substance. None of the witnesses has stated about slating the informant in the name of his caste by the appellant, hence, no offence under SC/ST Act is made out against the appellant. 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 1st Addl. Sessions Judge cum Special Judge, Darbhanga in connection with Sadar Thana P.S.



Case No. 316 of 2018, 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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