

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2649 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- SC/ST District- Jehanabad

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LAXMAN YADAV Son of Luchchu Yadav Resident of Village - Sukhi
Bigaha, P.s.- Rampur Chouram, Dist.- Arwal.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ganesh Prasad Yadav

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 25-07-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 06.05.2019 passed by learned 1st Additional
Sessions Judge, Jehanabad in connection with Arwal SC/ST
P.S. Case No. 3 of 2019 registered under Sections 341, 323, 325,
504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) 3
(2) (ra) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



On the exhortation of Raj Keshwar Yadav @ Luchu Yadav slating the informant in the name of his caste all the accused persons including the appellant is said to have assaulted him by legs and fists by tying with rope. Co-accused Raj Keshwar Yadav @ Luchu Yadav assaulted him by means of rod causing fracture injury to him.

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 due to dirty village politics and animosity. The only allegation against the appellant is of assaulting the informant by means of legs and fists along with other accused persons. The aforesaid allegation levelled against the appellants is not specific rather general and omnibus in nature. The informant has sustained only fracture injury which is attributed to co-accused Raj Keshwar Yadav @ Luchu Yadav. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail 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 1st Additional Sessions Judge, Jehanabad in connection with Arwal SC/ST P.S. Case No. 3 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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