

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2676 of 2019

Arising Out of PS. Case No.-37 Year-2015 Thana- SC/ST District- Buxar

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1. SHYAM MOHAN YADAV @ SHYAM MOHAN SINGH Son of Rama Shankar Singh Resident of Village - Jamuanv, P.S.- Itarhi Dist.- Buxar.
 2. Deepak Yadav Son of Dhurendra yadav @ Dhurendra Singh Resident of Village - Jamuanv, P.S.- Itarhi in the Dist.- Buxar.
 3. Pramod Yadav @ Pramod Kumar Son of Hridaya Narayan Singh @ Hridaya Yadav Resident of Village - Jamuanv, P.S.- Itarhi in the Dist.- Buxar.
 4. Garjan yadav @ Dharmendra Singh Son of Chandra Shekhar Singh Resident of Village - Lohandi, P.S.- Itarhi in the Dist.- Buxar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 01-08-2019 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 9.04.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Buxar in connection with Buxar SC/ST P.S. Case No. 37 of 2015, registered under Sections 341, 323, 504/34 of the Indian Penal Code and also under Section 3



(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Seven named accused persons including the appellants made halted the Tata Magic vehicle of the informant and dragged him out of the vehicle slating him in the name of his caste and assaulted him resultantly his ear and mouth were bleeding.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, brother of the appellants namely Chandra Shekhar Singh Yadav has lodged Itarhi P.S. Case No. 255 of 2015 against the informant and others regarding committing theft in the vehicle and assaulting him and its conductor, and in order to save skin from the said case, informant has lodged this false and frivolous case against the appellants on the following day. The allegation of slating the informant in the name of his caste levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained injury in the occurrence. No injury report has been brought on record and learned lower Court below has also not mentioned about any injury report in the impugned order. 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 appellant is directed to 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Buxar in connection with Buxar SC/ST P.S. Case No. 37 of 2015, 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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