

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2893 of 2019

Arising Out of PS. Case No.-65 Year-2017 Thana- PIRPAINTI District- Bhagalpur

1. BABLU YADAV Son of Late Sagar Yadav Resident of Ram Nagar, P.S.- Pirpainti, District- Bhagalpur.
2. Karu Yadav Son of Late Sagar Yadav Resident of Ram Nagar, P.S.- Pirpainti, District- Bhagalpur.
3. Anita Devi Daughter of Late Sagar Yadav Resident of Ram Nagar, P.S.- Pirpainti, District- Bhagalpur.
4. Lalita Devi Daughter of Late Sagar Yadav Resident of Ram Nagar, P.S.- Pirpainti, District- Bhagalpur.
5. Savila Devi @ Subila Devi W/o Late Sagar Yadav Resident of Ram Nagar, P.S.- Pirpainti, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tarun Prasad Mandal
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 22-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 12.04.2019 passed by learned 3rd Addl. District and Sessions Judge cum Special Judge, SC/ST Act, Bhagalpur in Pirpainti P.S. Case No. 65 of 2017 registered under Sections 341, 323, 379 and 504/34 of the Indian Penal Code and Section 3(1)(R) / 3 (2) (V-a) of the SC/ST Act.



Over intruding into the field of the appellants by she goat of the informant, appellants are said to have slated her and on protest made by her, they assaulted her and her daughter-in-law by means of fist intruding into her house.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to animosity. Victims have not sustained any sort of injury. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation against the appellants of slating the informant and her daughter-in-law in the name of their caste. Slating is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate and abnormal delay of six days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. They have no criminal antecedent.

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

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. District and Sessions Judge cum Special Judge, SC/ST Act, Bhagalpur in connection with Pirpanti P.S. Case No. 65 of 2017, 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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