

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2763 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- MUFFASIL District- Aurangabad

1. PAWAN KUMAR Son of Uma Yadav Resident of Village - Chotaki Bela, P.S.- Aurangabad (Mufassil), Dist.- Aurangabad. (Bihar)
2. Vishal Kumar Son of Binod Yadav Resident of Village - Chotaki Bela, P.S.- Aurangabad (Mufassil), Dist.- Aurangabad.(Bihar)
3. Subodh Kumar Son of Mahendra Yadav Resident of Village - Chotaki Bela, P.S.- Aurangabad (Mufassil), Dist.- Aurangabad.(Bihar)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 16-09-2019 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 27.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, POCSO Act, Aurangabad in Aurangabad Muffasil P.S. Case No. 88 of 2019 registered under Sections 341, 323, 308 and 504/34 of the Indian Penal Code and Section 3(i)(r), 3(i)(s), 3(2)(va) of the SC/ST Act.

Five named accused persons including the appellants are said to have created disturbance in the programme organised



on the occasion of feast at the house of the brother of the informant and also slated the informant in the name of his caste and assaulted him making him injured.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has sustained simple injury in the occurrence. Witnesses in the case diary have not stated about slating the informant in the specific name of his caste by the appellants. Appellant nos. 1 and 2 have no criminal antecedent while one more criminal case has been lodged against appellant no.3, but he is on bail in the said case by the court below.

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 1st Addl. Sessions



Judge cum Special Judge, POCSO Act, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 88 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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