

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2768 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. Moti Yadav, Son of Keshwar Yadav, age 75 years, male, R/o Village- Makarpur, P.S.- Makhadumpur, Distt.- Jehanabad
2. Radhika Devi, age 55 years, W/o Dukhaharan Yadav R/o village- Makarpur, P.S.- Makhadumpur, Distt.- Jehanabad
3. Puja Devi, age 24 years, D/o Dukhaharan Yadav R/o village- Makarpur, P.S.- Makhadumpur, Distt.- Jehanabad
4. Kari Kumari @ Kari, age 19 years, female, D/o Dukhaharan Yadav R/o village- Makarpur, P.S.- Makhadumpur, Distt.- Jehanabad

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Mukesh Kumar No.1-Advocate
For the Respondent : Mr. Sadanand Paswan-S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

16.11.2019

Heard learned counsel for the appellants as well as learned Special Public Prosecutor.

2. This appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') has been filed by the appellants challenging the order dated 08.05.2019 passed by the learned 1st Additional Sessions Judge, Jehanabad in A.B.P. No.154 of 2019 arising out of Makhadumpur P. S. Case No.22 of 2019 whereby his application for grant of pre-arrest bail has been rejected.



3. The aforesaid case was initially registered inter alia under Section 307 of the Indian Penal Code. However, after three and half months, a request was made by the Investigating Officer to add Section 3(1)(r) and (s) and 3(2)(v) of the Act.

4. Learned counsel for the appellants submitted that there is nothing in the first information report on the basis of which, the offences under the Act would have been attracted. He contended that the subsequent addition of the provisions of the Act has been made just in order to make the offences serious and ensure that the application for grant of pre-arrest bail is held not maintainable. He has further contended that the nature of injuries found on the person of the informant, his wife and daughter are of simple. There is also no material to suggest that there was any attempt on the part of the appellants or any other accused persons to kill the victims.

5. In view of the aforesaid submissions, learned counsel for the appellants contended that the court below ought to have allowed the application filed by the appellants.

6. On the other hand, learned counsel for the State submitted that true it is that there is no allegation that the accused persons assaulted the informant or his other family members with intention to insult or intimidating in order to



humiliate any member of the S.C./S.T. Category. However, the fact of the matter is that the informant is a member of the Scheduled Caste category and the injured had sustained simple injuries.

7. Regard being had to the submissions made above, the application is allowed. The impugned order dated 08.05.2019 passed by the 1st Additional Sessions Judge, Jehanabad is set aside.

8. Accordingly, the appellants are directed to be released on bail in the event of their arrest or surrender within 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 Additional Sessions Judge, Jehanabad in connection with Makhadumpur P. S. Case No.22 of 2019.

9. The appeal stands allowed.

(Ashwani Kumar Singh, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.11.2019
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