

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2865 of 2019

Arising Out of PS. Case No.-154 Year-2018 Thana- MAHKAR District- Gaya

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1. DEEPAK KUMAR Son of Ashok Yadav @ Ashok Kumar Resident of Village- and P.S.- Mahkar, District- Gaya.
 2. Ashok Yadav @ Ashok Kumar Son of Kishori Yadav Resident of Village and P.S.-Mahkar, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 07-08-2019 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 28.05.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in Mahkar P.S. Case No. 154 of 2018 registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Section 3(1)(v)(xv) of the SC/ST Act.

Over row of falling of water on the passage by the informant, appellant Deepak Kumar and co-accused Ravindra Yadav and Santosh Yadav slated him in the name of his caste and assaulted the informant, his brother and nephew by means



of rod and lathi. Thereafter four other accused persons including the appellants arrived there and assaulted them. All the accused persons slated him in the name of his caste.

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 merely because they happen to be relative of the co-accused Ravindra Yadav with whom informant is having animosity. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Injuries sustained by the victims are simple in nature. Appellants have no criminal antecedent. It is further submitted on behalf of the appellant Deepak Kumar that he is a student of engineering and he is pursuing his study in ITI Kodarma and on the date of occurrence he was present in the college and authority concerned of the said college has also given a certificate that on the date of occurrence he was present in the college for receiving his marksheet.

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

Having regard to the facts and circumstances of the case, appellant Deepak Kumar is directed to be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Mahkar P.S. Case No. 154 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as appellant no.2 Ashok Yadav is concerned, I am not inclined to enlarge him on bail. Prayer for bail of the appellant Ashok Yadav is rejected.

However, appellant Ashok Yadav is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellant Ashok Yadav on the very date of his surrender in accordance with law without being prejudiced by this order.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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