

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2823 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- SC/ST District- Banka

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1. Parmeshwar Yadav Son of Late Chandar Yadav Resident of Village - Dhawavaran, P.S.- Fullidumar, Distt - Banka.
 2. Manoj Yadav Son of Shibu Yadav Resident of Village - Dhawavaran, P.S.- Fullidumar, Distt - Banka.
 3. Chhakku Yadav Son of Late Chandar Yadav Resident of Village - Dhawavaran, P.S.- Fullidumar, Distt - Banka.
 4. Shibu Yadav Son of Late Chandar Yadav Resident of Village - Dhawavaran, P.S.- Fullidumar, Distt - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad

For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 17.06.2019 passed by learned 1st Addl. Sessions Judge, Banka in Banka SC/ST P.S. Case No. 17 of 2019 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Over row of payment of charge for supplying the water by tanker, the appellants are said to have slated the informant in the name of his caste and assaulted him by means of leg and fist.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case by the informant due to ulterior motive. Allegation levelled against the appellants is not specific rather general and omnibus in nature. The informant has not sustained injury in the occurrence. There is no allegation of slating the informant in the specific name of his caste. Appellants have no criminal antecedent.

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

In 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 learned 1st Addl. Sessions Judge, Banka in connection with Banka SC/ST P.S. Case No. 17 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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