

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2837 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- FATEHPUR District- Gaya

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Nitish Kumar S/o Umesh Prasad @ Umesh Yadav Resident of Village-
Dharampur, P.S.- Fatehpur, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mrs. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-07-2019 Heard learned counsel for the appellant 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 23.05.2019 passed by learned Exclusive
Special Judge, SC/ST Act, Gaya in Fatehpur P.S. Case No. 59 of
2019 registered under Sections 341, 323, 307/34 of the Indian
Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

On intervention of dispute between the children by
the informant, appellant along with two other named accused
persons are said to have slated the informant in the name of his



caste and appellant assaulted on his head by means of bat inflicting head injury to him while other accused persons assaulted him by means of fist.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation of slating the informant in the name of his caste levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Injury sustained by the informant is simple in nature. Parties have entered into compromise in the case. Appellant has 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 appellant 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 learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 59 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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