

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2871 of 2019**

Arising Out of PS. Case No.-20 Year-2019 Thana- UPHARA District- Aurangabad

Subash Yadav @ Aambisan Raj Son of Suresh Yadav Resident of Village -
Bela, P.S.- Uphara, District- Aurangabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Leelawati Kumari
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 19-07-2019 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 11.06.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Aurangabad in Uphara
P.S. Case No. 20 of 2019 registered under Sections 341, 323,
307, 504, 506/34 of the Indian Penal Code, Section 27 of the
Arms Act and Section 3(1)(r), 3(2)(va) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.

At the instance of Mukhiya, all the accused persons
named in the FIR including the appellant started slating Dhiraj



Kumar near the stage in the Bisque fair. When Ranjeet Paswan rushed in his rescue, appellant Subash Yadav resorted firing upon Dhiraj Kumar, but he left unhurt. Co-accused Ran Vijay, Bhola, Nitish and Gajesh Kumar also resorted firing.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case merely because he happened to be supporter of Md. Akhiyar Khan, who was candidate for Mukhiya and his rival was Indradeo Yadav, who is very familiar to the informant and said Indradeo Yadav to take revenge, lodged this false and frivolous case against the appellant through the informant. Allegation of slating Dhiraj Kumar against the appellant is not specific rather general and omnibus in nature. Moreover, appellant is not said to have slated him in the specific name of his caste. None has sustained injury in the occurrence. 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 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in Uphara P.S. Case No. 20 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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