

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2965 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- MAGADH UNIVERSITY District- Gaya

1. Upendra Prasad, Son of Ramchandra Prasad Resident of Village - Chotki Babhni, P.S. - Magadh Vishwavidalaya Bodh Gaya, District - Gaya.
2. Shivnandan Prasad @ Narendra Kumar Son of Late Chowra Mahto Resident of Village - Chotki Babhni, P.S. - Magadh Vishwavidayalya Bodh Gaya, District - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar No. 1
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 16-11-2019 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 21.05.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Magadh University P.S. Case No. 18 of 2019, registered under Sections 323, 341, 504, 506 and 354/34 of the Indian Penal Code and Section 3(i)(r)(w) of the SC/ST Act.

Accusation is that on 01.03.2019, in the morning, family member of the informant was cooking meal at the door. At that time, five persons named in the F.I.R., including the



appellants were passing through the door of the informant and made complaint that why smoke is being spread by preparing meal outside the house. When wife of the informant made protest then denoting the caste Bhuiyan and Bhuiyain, Sunil Kumar caught hold his wife and started to cause assault and Lalit Prasad also tried to pull her sari and Rahul Kumar started beating father of the informant. At that time, Upendra Prasad (Appellant No.1) also abused and Shivnandan Prasad (Appellant No. 2) pointed pistol to the informant and snatched silver ornament from the neck of wife of informant.

Learned counsel appearing on behalf of appellants submits that it would appear from the contents of the F.I.R. that occurrence took place due to spreading of smoke in course of cooking of meal by the family members of the informant inside the road and at that time, except, the family member of the informant and petitioners none were present there, as such the provision of SC/ST Act will not applicable in this case. Moreover, no any apparent injury was found either on the person of informant or his wife and his father.

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

Having regard to 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 four 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 Exclusive Special Judge SC/ST Act, Gaya in connection with Magadh University P.S. Case No. 18 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.

(Rajendra Kumar Mishra, J)

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