

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3000 of 2019**

Arising Out of PS. Case No.-196 Year-2019 Thana- KHAGARIA District- Khagaria

Banti Yadav Son of Bijan Yadav Resident of Village - Babhangama, P.S.-
Gangaur, District - Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

3 30-08-2019 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 21.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Khagaria in Khagaria (Gangaur) P.S. Case No. 196 of 2019 registered under Sections 448, 341, 323, 354(A), 504, 307/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s)(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with three other named accused persons intruding into the house of the informant in inebriated



condition applied colour to the wife and bhabho of the informant, and on protest made by them, they slated them in the name of their caste. Banti Yadav resorted firing by means of pistol. However, the villagers dragged them out of his house, then Banti Yadav assaulted the informant on the head of the informant by means of butt of the pistol and Mohan Yadav and Deepak Yadav assaulted on his hand by means of danda.

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 previous animosity. As a matter of fact, the appellant was assaulted by the prosecution party and he was hospitalized in the emergency ward of Ishwar Hospital, Begusarai on the date of occurrence and in order to save his skin from the said case, the informant has lodged this false and frivolous case against the appellant and others. As the appellant was hospitalized in the emergency ward of the aforesaid hospital, there was no question of assaulting the informant at the hand of the appellant on the said date. Allegation of slating the family members of the informant levelled against the appellant is not specific rather general and omnibus in nature. Moreover, said slating is said to have been made inside the house of the informant and not in the public



view, hence, no offence under SC/ST Act is made out against the appellant.

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, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 196 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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