

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3015 of 2019**

Arising Out of PS. Case No.-133 Year-2013 Thana- MAGADH UNIVERSITY District- Gaya

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1. MUKESH KUMAR Son of Mahendra Yadav Resident of Village - Rohibigha, P.S.- Magadh University, District- Gaya
2. Vicky Kumar Son of Rajesh Yadav Resident of Village - Rohibigha, P.S.- Magadh University, 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 : Mr.Usha Kumari 1

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

ORAL ORDER

2      25-07-2019                      Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 29.05.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Magadh University P.S. Case No. 133 of 2013 registered under Sections 354, 323 and 504 of the Indian Penal Code and Section 3(i)(x) of the SC/ST Act.

Appellants are said to have pulled the strawl of the daughter of the informant on the way to her school and on protest slated and assaulted her and other girls.

It is submitted by learned counsel for the appellants



that no such occurrence as alleged ever took place. Father of the informant and appellants are on inimical terms and due to some altercation taken place between them, informant has lodged this false and frivolous case against the appellants to harass them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. Appellants are said to have addressed the daughter of the informant in the name of the caste 'Bhuiavi' but the informant is not Bhuiavi rather Manjhi, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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 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 the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Magadh University P.S. Case No. 133 of 2013, 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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