

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3038 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- AMAS District- Gaya

SHYAMALI YADAV @ SHYAMLI YADAV Son of Late Biphan Yadav
Resident of Village - Tetariya, P.S.- Amas, Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Javed Jafar Khan
For the Respondent/s : Mr. Usha Kumari 1

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

ORAL ORDER

2 26-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 10.06.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in Amas P.S. Case No. 16 of 2019 registered under Sections 341, 323, 354A, 504 and 506/34 of the Indian Penal Code and Section 3(2)(v-a) of the SC/ST Act.

Son of the appellant namely Manoj Yadav is said to have misbehaved with the informant and regarding the aforesaid occurrence, a meeting was organized and in the said meeting appellant along with other accused persons named in the F.I.R. entered into brawl with her and assaulted her. Co-accused



Mantu Yadav and Ranjay Kumar Ranjan slated her in the name of her caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because he happens to be father of Manoj Yadav. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is inordinate delay of ten days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. Appellant has no criminal antecedent. Co-accused namely Manoj Yadav, Mantu Yadav and Ranjay Kumar Ranjan have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.05.2019 passed in Cr. Appeal (SJ) No. 1232 of 2019.

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 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 the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Amas P.S. Case No. 16 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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