

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3083 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- PAUTHU District- Aurangabad

1. Uma Yadav @ Raj Kumar Yadav S/o Jagan Yadav Resident of Village- Misir Bigha, P.S.- Pauthu, District- Aurangabad.
2. Ramjanam Yadav S/o Pravesh Yadav Resident of Village- Misir Bigha, P.S.- Pauthu, District- Aurangabad.
3. Gora Yadav S/o Pravesh Yadav Resident of Village- Misir Bigha, P.S.- Pauthu, District- Aurangabad.
4. Krishna Yadav Son of Dipan Yadav Resident of Village- Misir Bigha, P.S.- Pauthu, District- Aurangabad.
5. Narsingh Yadav S/o Praduman Yadav @ Pradum Yadav Resident of Village- Misir Bigha, P.S.- Pauthu, District- Aurangabad.
6. Sikandar Yadav @ Jitendra Yadav S/o Praduman Yadav @ Pradum Yadav Resident of Village- Misir Bigha, P.S.- Pauthu, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Pd. Singh, Sr. Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 30-07-2019 Learned counsel for the appellants seeks permission to withdraw this appeal on behalf of appellant no. 4 (Krishna Yadav) submitting that he has been apprehended during pendency of the appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn against the aforesaid appellant.

Heard learned counsel appearing on behalf of the



appellant nos. 1, 2, 3, 5 and 6 and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 26.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge (SC/ST) Act, Aurangabad in connection with Pauthu P.S. Case No.19 of 2019 registered under Sections 307, 341, 323, 504 & 506/147 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Jagan Yadav and appellant Uma Yadav are said to have slated the brother of the informant in the name of his caste over falling of the dirty water on the attire of the daughter of the Jagan Yadav by the tractor of his brother. Subsequently, while the informant was coming with the tractor on the telephonic call of his brother, all the FIR named accused persons including the appellants assaulted him by means of lathi and rod and when his father and his cousin rushed there in his rescue, they also made them injured.

It is submitted by learned counsel appearing on



behalf of the appellant nos. 1, 2, 3, 5 and 6 that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. The informant has lodged this false and frivolous case against the appellants in order to save his skin from the case lodged by the co-accused Jagan Yadav against him and others earlier to the case under hand. The injury sustained by the victim is simple in nature. There is no allegation of slating the informant in the name of his caste against the appellants barring the appellant Uma Yadav. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Dipan Yadav and others have been enlarged on anticipatory bail by this Court vide order dated 27.06.2019 passed in Cr. Appeal (SJ) No. 2515 of 2019.

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

Having regard to the facts and circumstances of the case, as the appellant no. 1 Uma Yadav @ Raj Kumar Yadav slated the brother of the informant in the name of his caste in the public view, I am not inclined to enlarge him on bail. Accordingly, his prayer is rejected.



However, appellant no. 1 Uma Yadav @ Raj Kumar Yadav is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of surrender by the said appellant in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

So far as the appellant nos. 2, 3, 5 and 6 are concerned, they are directed to be enlarged 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/- (Rupees Ten Thousand) each 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 connection with Pauthu P.S. Case No.19 of 2019 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

