

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3151 of 2019

Arising Out of PS. Case No.-80 Year-2017 Thana- SC/ST District- Rohtas

1. Brajesh Kumar Yadav Son of Prem Singh Yadav Resident of Village- Narayanpur, P.S.- Surajpura, District- Rohtas at Sasaram
2. Kamlesh Singh Son of Somnath Singh Yadav Resident of Village- Narayanpur, P.S.- Surajpura, District- Rohtas at Sasaram
3. Manoj Singh Son of Bali Singh Yadav Resident of Village- Narayanpur, P.S.- Surajpura, District- Rohtas at Sasaram
4. Suresh Singh Son of Late Hulas Singh Yadav Resident of Village- Narayanpur, P.S.- Surajpura, District- Rohtas at Sasaram

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jai Prakash Singh
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 22.06.2019 passed by learned 1st Addl. Sessions Judge, Rohtas at Sasaram in SC/ST Dehri (Rohtas) P.S. Case No. 80 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



20 named accused persons including the appellants are said to have plugged the drain water of the informant and encroached the passage and intermingled with their land and over the aforesaid dispute, they descending at his locality slated him in the name of his caste and injured the informant and several other persons. They also extended threatening to vacate the village.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, co-accused Prem Chand Singh has lodged Surajpura P.S. Case No. 124/17 against the informant and others preceding to the case under hand, and in order to save his skin from the said case, the informant has lodged this false and frivolous case against the appellants and others. C.O. had visited the place of occurrence and found the allegation made by the informant regarding plugging the drain and encroaching passage by the appellants false. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Prem Singh Yadav and Others have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.05.2019 passed in Cr. Appeal (SJ) No. 829 of 2019.



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

In 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 learned 1st Addl. Sessions Judge, Rohtas at Sasaram in connection with SC/ST Dehri (Rohtas) P.S. Case No. 80 of 2017, 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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