

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3238 of 2019**

Arising Out of PS. Case No.-78 Year-2019 Thana- FATEHPUR District- Gaya

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1. Dhaneshwar Yadav Son of Late Chhathu Yadav Resident of Village - Goli, P.S.- Fatehpur, Distt - Gaya.
 2. Pawan Kumar Son of Deoki Yadav Resident of Village - Goli, P.S.- Fatehpur, Distt - Gaya.
 3. Anil Kumar@ Anil Yadav Son of Ramjee Yadav Resident of Village - Goli, P.S.- Fatehpur, Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 07-08-2019 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 27.06.2019 passed by learned Exclusive Special Judge, SC/ST, Act, Gaya in Fatehpur P.S. Case No. 78 of 2019 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



During course of watering the field by the informant, the appellants are said to have descended at his field at 10:00 PM and slated him in the name of his caste asking him to leave the village selling out his land, and co-accused Ramji Yadav assaulted on his head by means of rod, resultantly, he fell senseless.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to ulterior motive. There is case and counter case between the parties. Appellants are not the assailant. Allegation of slating levelled against the appellants is not specific rather general and omnibus in nature. Moreover, slating is said to have been made at the field of the informant in the night at 10:00 PM i.e. not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Parties to the case have entered into compromise in the case. Appellants have no criminal antecedent.

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 Exclusive Special Judge, SC/ST, Act, Gaya in Fatehpur P.S. Case No. 78 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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