

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3219 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- TEKARI District- Gaya

1. Manoj Thakur Son of Suche Thakur @ Burhe Thakur @ Budhe Thakur Resident of Village- Chiraili, Tola,- Pakkibagh, P.S.- Tekari, District- Gaya.
2. Munna Thakur Son of Subash Thakur @ Subhash Thakur Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.
3. Sujeet Thakur @ Sheonath Kumar @ Sheonath Thakur Son of Shankar Thakur Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.
4. Raj Kumar Thakur @ Raj Kr. Thakur Son of Sita Thakur Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.
5. Baban Thakur Son of Mahesh Thakur Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.
6. Lalan Thakur Son of Mahesh Thakur Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.
7. Kamlesh Thakur Son of Suche Thakur @ Burhe Thakur @ Budhe Thakur Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.
8. Anand Thakur Son of Udai Thakur Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.
9. Shyambihari Yadav Son of Late Chandradip Yadav Resident of Village- Chiraili, Tola- Pakkibagh, P.S.- Tekari, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 06-08-2019 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 08.07.2019 passed by learned Exclusive Special Judge, SC/ST, Gaya in Tekari P.S. Case No. 110 of 2019 registered under Sections 147, 148, 149, 341, 448, 323, 504, 307, 379 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the twelve named accused persons including the appellants are said to have descended at the house of the informant and slated him in the name of his caste, and on protest, they intruding into his house damaged the tiles of the roof and co-accused Satish Thakur assaulted on the hand of the informant by means of sword inflicting bleeding injury to him while appellant Shyambihari Yadav took out Rs. 2000/- from his pocket.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, the informant vends toddy in his house creating nuisance in the locality, and on protest made by the appellants, he has lodged this false and frivolous case against them. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating is said to



have been made at the house of the informant and not in the public view, hence, no offence under SC/ST is made out against the appellants and allegation of theft against appellant Shyambihari Yadav is super addition. Appellants have no criminal antecedent.

On the other hand, learned Spl. P.P. for the State opposed the bail prayer of the appellants.

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, Gaya in connection with Tekari P.S. Case No. 110 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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