

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3341 of 2019**

Arising Out of PS. Case No.-1 Year-2019 Thana- SC/ST District- Begusarai

RAJESH YADAV Resident of Village - Keshav, P.S. - Barauni, District-
Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar Sinha No.1
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 11-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of bail vide order
dated 12.07.2019 passed by learned Special Judge, SC/ST (PoA)
Begusarai in SC/ST P.S. Case No. 1 of 2019 registered under
Sections 341, 323, 307, 354, 504, 506/34 of the Indian Penal
Code and Section 3(i)(r)(s)/3(z)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Over row of making slope of the under construction
road towards the house of the informant, nine named accused
persons including the appellant intruding into the house of the



informant assaulted him by means of khanti inflicting injury above his right eye. When his brother rushed in his rescue, they also assaulted him by means of lathi inflicting head injury to him and then left the scene slating him in the name of his caste extending threatening of dire consequence.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case merely because the appellant happens to be next door neighbour of the informant and informant flows his dirty water on the gate of the appellant and on complain made with the respected persons of the locality, they had chided the informant. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has sustained two injuries, out of which, one is simple and opinion regarding injury above the right eye is reserved. Likewise, opinion regarding one injury on the head of the brother of the informant is also reserved while other injuries have been opined by the doctor as simple in nature, but the aforesaid head injury of the brother of the informant is skin deep and moreover no supplementary injury report has been submitted despite passing away of more than seven months. Slating the informant is said to have been made inside the house



of the informant and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent and has been languishing in custody since 06.07.2019. Similarly situated other accused persons have been enlarged on anticipatory bail by this Court vide order dated 09.08.2019 passed in Cr. Appeal (SJ) NO. 1362 of 2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (PoA), Begusarai in connection with SC/ST P.S. Case No. 1 of 2019.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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