

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3407 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- HASPURA District- Aurangabad

JAY PRAKASH YADAV S/o Rambriksh Yadav Resident of Village- Vanshi
Bigha, P.S.- Haspura, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

4 07-11-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 15.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in Haspura P.S. Case No. 65 of 2019 registered under Sections 341, 323, 325, 504, 506/34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

Appellant along with one named and 4-6 unknown miscreants gave chase to the brother of the informant in the night at 1 a.m. by Bolero and when on getting information informant along with one Rajal Kumar rushed in his rescue, on



the exhortation of the appellant who happens to be the driver of the Bolero, other accused persons assaulted him and his brother by means of rod and danda and slated them in the name of their caste in inebriated condition.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant does not happen to be driver of the Bolero. He has been falsely implicated in the case by the informant merely due to dispute of irrigation between them. Brother of the informant happens to be S.I. posted in Patna and at his instance informant has lodged this false case against the appellant. None has sustained injury in the occurrence. Occurrence is said to have taken place in the night at 1 a.m., hence slating the informant and another in the name of their caste cannot be said to have been made in public view, hence no offence under SC/ST is made out against the appellant.

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

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his 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) with two sureties of the like



amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Aurangabad in connection with Haspura P.S. Case No. 65 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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