

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3638 of 2019

Arising Out of PS. Case No.-106 Year-2019 Thana- SABAUR District- Bhagalpur

1. Chhotu Yadav Son of Prem Yadav Resident of Village- Sabour, Brahman Tola, P.S.- Sabour, District- Bhagalpur.
2. Bahadur Kumar Son of Luxmi Yadav Resident of Village- Sabour, Brahman Tola, P.S.- Sabour, District- Bhagalpur.
3. Ravindra Kumar @ Pintu Son of Uttam Yadav Resident of Village- Sabour, Brahman Tola, P.S.- Sabour, District- Bhagalpur.
4. Manish Kumar @ Manish Kumar Yadav @ Manish Yadav Son of Dingayi Yadav Resident of Village- Sabour, Brahman Tola, P.S.- Sabour, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Swapnil Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 26-09-2019 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 20.06.2019 passed by learned 3rd Addl. District & Sessions Judge cum Special Judge, Bhagalpur in Sabour P.S. Case No. 106 of 2019 registered under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code, Section 27 of Arms Act and Sections 3(1)(s), 3(2)(v)(va) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act.

On forbading the appellant Rabindra Kumar @ Pintu from snatching the mobile of a person, six named accused persons including the appellants slated and assaulted the informant by means of fist. One of them resorted firing but he left unhurt. However, one of the accused, namely, Krishna Sevak Kumar was apprehended by the villagers during the course of occurrence, who sustained injury during course of apprehension.

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 had stolen the mobile phone of the appellant Rabindra Kumar @ Pintu, and on making protest, the informant assaulted Krishna Sevak Kumar inflicting head injury to him, and in order to save his skin from the said occurrence, the informant has lodged this false and frivolous case against the appellants and others. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is no allegation of slating the informant in the name of his caste, hence, no offence under SC/ST Act is made out against the appellants. Barring one other case lodged by the



informant against the appellants, 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 3rd Addl. District & Sessions Judge cum Special Judge, Bhagalpur in Sabour P.S. Case No. 106 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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