

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3597 of 2019

Arising Out of PS. Case No.-547 Year-2018 Thana- HILSA District- Nalanda

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1. Vijay Kumar Ujjain @ Ujjain Yadav Son of Rameshwar Yadav Resident of Village- Naudiha, P.S.- Hilsa, District- Nalanda.
 2. Agrasen Prasad @ Agrasen Yadav Son of Rameshwar Yadav Resident of Village- Naudiha, P.S.- Hilsa, District- Nalanda.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrigendra Pratap Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-11-2019 The petitioners seek pre-arrest bail in connection with Hilsa PS case no. 547 of 2018 for the offence punishable under Sections 341, 323, 325, 379, 504/34 of Indian Penal Code and Sections 3(i)(r)(s) of SC/ ST (POA) Act.

The allegation levelled by the prosecution is regarding the informant being apprehended by the accused persons including the petitioners while he was going to the market for purchasing some articles and thereafter, the said accused persons started abusing the informant by calling his caste name i.e. “*Harijan*” and had then assaulted him by means of iron-cupped *lathi* as also had taken a sum of Rs. 5,000/- from his pocket.



The learned Senior counsel for the petitioners submits that except Section 379, all the sections are bailable and the allegation levelled against the petitioners are general and omnibus in nature and in fact, no occurrence as alleged has ever taken place. It is further submitted that calling the informant by his caste name i.e. the word “*Harijan*” is not an abuse under the provisions of the SC/ST (POA) Act, 1989, in view of the fact that the word “*Harijan*” does not find place in the list of SC/ST of the Bihar State, hence no offence is made out under SC/ST (POA) Act, 1989. Lastly, it is submitted that the petitioners are having clean antecedent.

Heard the learned counsel for the parties.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and appropriate to direct the petitioners to surrender before the learned court below within a period of six weeks from the date of receipt/ production of a copy of this order and on surrender, the petitioners shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Hilsa PS case no. 547 of 2018, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure and further conditions are that one of the bailors of the appellants shall be a local person having sufficient immovable properties within the jurisdiction of court concerned and they have to co-operate in investigation, otherwise their bail bonds shall be cancelled.

Accordingly, this appeal is allowed and the impugned order dated 22.07.2019 passed by the 1st Additional Sessions Judge, Nalanda at Bihar Sharif in Anticipatory bail petition no. 1761 of 2019 is set aside.

(Mohit Kumar Shah, J)

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