

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3734 of 2019

Arising Out of PS. Case No.-788 Year-2018 Thana- BARACHATTI District- Gaya

1. Ranjan Yadav @ Ranjan Kumar Son of Kailash Yadav Resident of Village-Jethua Dahanu, P.S.-Mohanpur, District-Gaya.
2. Lalu Yadav Son of Vikash Yadav Resident of Village-Jethua Dahanu, P.S.-Mohanpur, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Onkar Nath

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 18-11-2019 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 22.02.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Barachatti (Mohanpur) P.S. Case No. 788 of 2018 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was discussing regarding



subject of study with his classmate Pratima Kumari on mobile, appellants along with one unknown miscreant arriving there started slating and assaulting him by means of fist and appellant Ranjan Yadav assaulted on his leg by means of *taangi* and snatched his purse containing some documents and mobile phone. All the accused persons assaulted him by means of belt and when Gulshan Manjhi rushed in his rescue, they assaulted on his head.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, informant had teased Pratima Kumari in the class, whereupon appellants and other had assaulted him and due to aforesaid reason, informant has lodged this false and frivolous case against the appellants. There is case and counter case between the parties. Injury sustained by the victims are simple in nature. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of his caste against the appellants. Allegation of theft is super addition. 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 Exclusive Special Judge, SC/ST Act, Gaya in Barachatti (Mohanpur) P.S. Case No. 788 of 2018, 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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