

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3700 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- BARBIGHA District- Sheikhpura

1. ANIL YADAV S/o Late Prayag Yadav R/o village- Baban Bigha, P.S.- Barbigha, Distict- Sheikhpura
2. Shiv Balak Yadav S/o Late Prayag Yadav R/o village- Baban Bigha, P.S.- Barbigha, Distict- Sheikhpura
3. Kapil Yadav S/o Late Prayag Yadav R/o village- Baban Bigha, P.S.- Barbigha, Distict- Sheikhpura
4. Jogi Yadav S/o Kapil Yadav R/o village- Baban Bigha, P.S.- Barbigha, Distict- Sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjiv Sharan

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 24-09-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 25.07.2019 passed by learned 1st Addl. Sessions Judge, Sheikhpura in Barbigha P.S. Case No. 157 of 2019 registered under Sections 341, 323, 504 and 379 of the Indian Penal Code and Section 3(i)(v) of the SC/ST Act.

During the course of grazing she goat by the informant and her mother-in-law, their goat entered into khanda.



Whereupon appellant Anil Yadav started slating them and on protest made by her, he assaulted her and her mother-in-law by means of rod making them injured. Other four accused persons including appellant nos. 2 and 3 also arrived there and slated her in the name of her caste and snatched her ear ring and made good their escape. Villagers rushed there on responding hulla made by the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case over altercation ensued between the parties over catching the she goat of the informant by the appellants as she goat of the informant has entered into their field. None has sustained any injury in the occurrence. Allegation of slating the informant and her mother-in-law levelled against the appellants is not specific rather general and omnibus in nature. Moreover said slating was not in public view as at the time of occurrence none was present there and villagers rushed there after the occurrence on hulla made by the informant. Hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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 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 the learned 1st Addl. District and Sessions Judge, Sheikhpura in connection with Barbigha P.S. Case No. 157 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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