

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3758 of 2019

Arising Out of PS. Case No.-189 Year-2018 Thana- CHAINPUR District- Kaimur (Bhabua)

PRAMOD YADAV @ PRAMOD SINGH Son of Mahendra Singh Yadav
Resident of Village-Lohra, P.S-Chainpur, District-Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 18-10-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 15.07.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 189 of 2018 registered under Sections 341, 323, 504, 506, 307 & 427/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



In course of regressing to his village by the informant along with Pawantanai Kumar Yadav from his sister's village F.I.R. named accused persons and some unknown miscreants started passing lewd comment and on forbidding them they started slating them and became adamant to assault and Bijesh Yadav assaulted on the head of Pawantanai Kumar Yadav by means of lathi, Aakash Yadav and Vikash Yadav also started assaulting him and resorted firing climbing on the roof. They also snatched his bike and damaged it.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He is not named in the F.I.R. He does not happen to be assailant as as per the F.I.R. itself rather the assailants are F.I.R. named accused persons. There is case and counter case between the parties. There is no allegation of slating the informant and others in the name of caste against the appellant. Other allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 189 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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