

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3774 of 2019

Arising Out of PS. Case No.-36 Year-2014 Thana- SC/ST BAGHA District- West Champaran

1. Gauri Yadav Son of Sahdev Yadav Resident of Bardadhiya, P.S.-Semara, District-West Champaran.
2. Dashrath Yadav @ Mukesh Kumar Son of Deba Yadav @ Gauri Yadav Resident of Bardadhiya, P.S.-Semara, District-West Champaran.
3. Babita Devi Wife of Gauri Yadav Resident of Bardadhiya, P.S.-Semara, District-West Champaran.
4. Sahdev Yadav Son of Sahagu Yadav Resident of Bardadhiya, P.S.-Semara, District-West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Gupta

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-10-2019 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 01.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, West Champaran, Bettiah in SC/ST Bagaha P.S. Case No. 36 of 2014 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Appellants slating mother of the informant in the name of her caste assaulted her and when his sister rushed in her rescue, they also assaulted her by means of slap and fist. Responding hulla, villagers rushed there and saved them. When the informant and his brother arrived at the house of the appellants to inquire about the matter, they slated them in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, tale of she-buffalo of the appellants was crushed by the tractor of the informant, for which the appellants had demanded money from him for the treatment of their she-buffalo but, instead according them money, the informant has lodged this false and frivolous case against the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Informant in his further statement has not stated about slating his mother and sister by the appellants in specific name of their caste and independent witnesses have stated that there was some squabble and exchange of abuse between the parties due to said reason. They have also not stated about slating mother and sister



of the informant by the appellants in specific name of their caste and slating the informant and his brother is said to have been made in the house of appellants, 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.

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 1st Addl. Sessions Judge cum Special Judge, West Champaran, Bettiah in SC/ST Bagaha P.S. Case No. 36 of 2014, 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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