

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3747 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- FATEHPUR District- Gaya

1. SANTOSH YADAV Son of Chando Yadav @ Chando Pd. Yadav Resident of Village - Bahera, P.S.- Fatehpur, Distt - Gaya.
2. Chhotu Yadav Son of Chando Yadav @ Chando Pd. Yadav Resident of Village - Bahera, P.S.- Fatehpur, Distt - Gaya.
3. Kamlesh Kumar Yadav Son of Rajendra Yadav Resident of Village - Bahera, P.S.- Fatehpur, Distt - Gaya.
4. Chando Yadav @ Chando Prasad Yadav Son of Late Ganauri Yadav Resident of Village - Bahera, P.S.- Fatehpur, Distt - Gaya.
5. Shailesh Yadav Son of Late Ganauri Yadav Resident of Village - Jaheli Bigha , P.S.- Fatehpur, Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 05-09-2019 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 26.07.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Fatehpu P.S. Case No. 50 of 2019 registered under Sections 341, 323, 504, 506, 342 and 427/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellants descending at the house of the informant



damaged his water tank and assaulted his father by means of lathi. However the informant and his father saved their life by locking themselves in a room. They also intercepted them while they were proceeding to P.S. to lodge F.I.R. Appellants always slate 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. Appellants have been falsely implicated in the case due to petty dispute ensued between the parties as the appellants happen to be neighbour of the informant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Father of the informant has not sustained any injury in the occurrence. Learned lower court has also not mentioned about any injury sustained by anyone in the impugned order after perusal of the case diary. There is no allegation of slating the informant in the specific name of his caste against the appellants and moreover no case has been lodged against the appellants earlier for the said occurrence.

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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Fatehpu P.S. Case No. 50 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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