

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3976 of 2019

Arising Out of PS. Case No.-55 Year-2018 Thana- FATEHPUR District- Gaya

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1. SATENDRA YADAV S/O Ram Nandan Yadav Resident of Village- Isharbe Tola Ramgarh, P.S.- Fatehpur, District- Gaya.
 2. Rajiv Raushan @ Jitendra Kumar S/O Rajendra Yadav Resident of Village- Isharbe Tola Ramgarh, P.S.- Fatehpur, District- Gaya.
 3. Ravi Kumar @ Gautam S/O Rajendra Yadav Resident of Village- Isharbe Tola Ramgarh, P.S.- Fatehpur, District- Gaya.
 4. Rajesh Yadav @ Surendra Yadav S/O Ganeshi Yadav Resident of Village- Isharbe Tola Ramgarh, P.S.- Fatehpur, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha

For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 22-11-2019 Heard learned counsel for the appellants 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 26.07.2019 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No. 55 of 2018 registered under Sections 147, 149, 323, 354, 308, 436, 427, 506 of the Indian Penal Code and



Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On the occasion of Holikadahan, residents of Tola Ramgarh hurled the fire stick on the hut of the informant, resultantly, it was started burning and when the informant stepped out of her hut she witnessed six named accused persons including the appellants escaping from near her hut. On alarm made by her, they caught hold and teased her and when her husband and others rushed in her rescue they assaulted them making them injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in the case due to dirty village politics. As per F.I.R. itself some unknown persons of Tola Ramgarh dumped fire stick on the hut of the informant. She has not candidly stated that it is the accused persons who hurled fire stick on her hut. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence and there is no injury report in the case diary. I.O. has found only cage made for keeping the pig burnt at the place of occurrence and not the hut. Hence, no offence under Section 436 of the Indian Penal Code



is made out against the appellants. Moreover, parties to the case have compromised the case. Appellants have 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 appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Fatehpur P.S. Case No. 55 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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