

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3895 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- SC/ST District- Jehanabad

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1. Akhilesh Yadav Son of Late Kameshwar Yadav Resident of Village - Karpi, P.S.- Karpi, District - Arwal.
 2. Vishwakarma Yadav Son of Akhilesh Yadav Resident of Village - Karpi, P.S.- Karpi, District - Arwal.
 3. Ramjee Yadav Son of Gurudayal Yadav Resident of Village - Karpi, P.S.- Karpi, District - Arwal.
 4. Rajanti Devi Wife of Akhilesh Yadav Resident of Village - Karpi, P.S.- Karpi, District - Arwal.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akash Raj
		Mr. Santosh Kumar
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-09-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 08.08.2019 passed by learned 1st Addl. Sessions Judge, Jehanabad in Arwal SC/ST P.S. Case No. 15 of 2018 registered under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants arriving at the house of the informant armed with lathi, danda and rod started slating her in the name of her caste, and on protest, they assaulted her by means of lathi, leg and fist shoving her on the ground. When her minor daughter rushed in her rescue, appellant, Vishwakarma Yadav started teasing her. In the meantime, appellant Rajanti Devi snatched her golden locket. Thereafter, all the accused persons left the scene extending threatening of dire consequence in case of lodging the case against them. Bone of contention is said to be dumping of the garbage by the appellants in front of the house of 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 this case over dumping of the garbage by them on the public land located in front of the house of the informant. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is no allegation of slating the informant in the specific name of her caste against the appellants. Allegation of theft is super addition. There is inordinate and abnormal delay of seven days in lodging the FIR without assigning any plausible and convincing



explanation for the said delay. 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, Jehanabad in connection with Arwal SC/ST P.S. Case No. 15 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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