

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3990 of 2019**

Arising Out of PS. Case No.-105 Year-2019 Thana- TEKARI District- Gaya

UPENDRA YADAV Son of Late Jatu Yadav Resident of Village - Daulatpur,
P.S.- Tekari, District- Gaya

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

2 25-09-2019 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 07.08.2019 passed by learned Exclusive
Special Judge SC/ST Act, Gaya in connection with Tekari P.S.
Case No. 105 of 2019 registered under Sections 341, 323 &
504/34 of the Indian Penal Code and Section 3(1) (r) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant descending at the door of the informant



slating her in the name of caste enquired about her husband blaming him of being instrumental in the raid on their house by the police and when her son stepped out of the house responding hulla other accused persons assaulted him inflicting injury on his leg while co-accused Babun Yadav resorted firing in course of retreat.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in the case over dispute of pouring colour on the occasion of Holi. He does not happen to be assailant. Slating the informant in the name of caste is said to have been made by the appellant at the house of informant, hence no offence under SC/ST Act is made out against the appellant. There is case and counter case between the parties. The case of the appellant is of earlier one. 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 Exclusive Special Judge SC/ST Act, Gaya in connection with Tekari P.S. Case No. 105 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

