

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4016 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- SC/ST District- Kaimur (Bhabua)

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1. Bairistar Singh Yadav S/o Bramha Singh R/o village- Barej, P.S.- Mohania, District- Kaimur at Bhabua.
 2. Arun Prasad Yadav @ Arun Prakash Yadav S/o Bairistar Singh Yadav R/o village- Barej, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dharmendra Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna

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

ORAL ORDER

2 26-09-2019 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 05.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 02 of 2019 registered under Sections 341, 323, 504, 506 & 354/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants arriving at the door of the informant



mounted pressure upon him to get the completion certificate of the construction work of lane issued by his wife and on refusal, they slated him in the name of caste and assaulted him by means of leg and fists and when his wife rushed in his rescue appellant no.1 shoving him on the ground also slated her in the name of caste.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellants happen to be contractor and they completed the construction work of the lane but as they failed to cough up the demand of graft made by the informant and his wife, who happens to be member of Panchayat Samiti the informant has lodged this false and frivolous case against the appellants to mount pressure upon them to fulfill his demand. None has sustained injury in the occurrence. The alleged slating is said to have been made at the house of the informant and not in public view, 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, 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 1st Additional Sessions Judge cum Special Judge SC/ST Act, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 02 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)

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