

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4282 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- SC/ST District- Nalanda

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1. Binda Yadav Son of Gokhul Yadav Resident of Village- Manpur, P.S.- Giriyak, District- Nalanda.
 2. Fakira Yadav Son of Gokhul Yadav Resident of Village- Manpur, P.S.- Giriyak, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar No.1

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 19-11-2019 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 26.07.2019 passed by learned 1st Addl. Sessions Judge, Nalanda at Bihar Sharif in SC/ST P.S. Case No. 24 of 2019 registered under Sections 341, 323, 354/34 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On 2.01.2017 appellants along with one another accused intruding into the house of the informant tore her blouse



and slated her in the name of her caste and they left her house on congregation of the villagers. Subsequently, on 12.02.2017, appellants armed with weapons intruded into her house and tried to outrage her modesty pulling her saree, and on protest made by her husband, who was sitting on the door, they left her house resorting firing and extending threatening of dire consequence in case of lodging case.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute and animosity. Number of cases have been lodged by both sides against each other earlier to the case under hand. Allegation levelled against the appellants is not specific rather general and omnibus in nature. No case has been lodged regarding the occurrence, which is said to have been committed on 2.1.2017 by the informant. So far as the occurrence regarding 12.02.2017 is concerned, it is quite improbable for the appellants to enter into the house of the informant while her husband was sitting at his door. Slating the informant is said to have been inside her house and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. Barring two cases lodged by the informant, appellants have no



other criminal antecedent.

Learned Spl. P.P. 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, Nalanda at Bihar Sharif in SC/ST P.S. Case No. 24 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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