

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4125 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- EKCHARI District- Bhagalpur

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1. PRINCE KUMAR Son of Dilip Yadav Resident of Village/Mohalla- Khawaspur, P.S.- Ekchari, District- Bhagalpur.
 2. Rajeev Yadav @ Rajeev Kumar Son of Goli Yadav @ Subhash Yadav Resident of Village/Mohalla- Khawaspur, P.S.- Ekchari, District- Bhagalpur.
 3. Kalu Yadav Son of Subodh Yadav Resident of Village/Mohalla- Khawaspur, P.S.- Ekchari, District- Bhagalpur.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 30-09-2019 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 09.07.2019 passed by learned 3rd Additional Sessions Judge cum Special Judge, Bhagalpur in connection with Ekchari P.S. Case No. 07 of 2019 registered under Sections 448, 323 & 379/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Seven named accused persons including the appellants intruding into the house of the informant in the night swooped upon him and one of them assaulted him by means of butt of the pistol inflicting injury besides his eye and Ramprit Yadav took Rs.1500/- from his pocket.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, the informant was constructing house encroaching the drain intercepting the drainage work carried out in the village and on the protest made by the appellants they have been falsely implicated in the case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The injury sustained by the informant is simple in nature. Barring one case lodged by the informant himself, 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 3rd Additional Sessions Judge cum Special Judge, Bhagalpur in connection with Ekchari P.S. Case No. 07 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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