

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4375 of 2019

Arising Out of PS. Case No.-464 Year-2019 Thana- FATUA District- Patna

1. DHARMENDRA SINGH Son of Late Bhattu Singh Resident of Village - Dost Mahammadpur, P.S.- Fatuha, Distt - Patna.
2. Jaipal Yadav Son of Dharmendra Singh Resident of Village - Dost Mahammadpur, P.S.- Fatuha, Distt - Patna.
3. Rudal Yadav Son of Dharmendra Singh Resident of Village - Dost Mahammadpur, P.S.- Fatuha, Distt - Patna.
4. Indal Yadav Son of Dharmendra Singh Resident of Village - Dost Mahammadpur, P.S.- Fatuha, Distt - Patna.
5. Rahish Yadav Son of Dharmendra Singh Resident of Village - Dost Mahammadpur, P.S.- Fatuha, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-10-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 11.09.2019 passed by learned Addl. Sessions Judge-XX cum Special Judge, SC/ST, Patna in Fatuha P.S. Case No. 464 of 2019 registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the SC/ST Act.

Appellants are said to have damaged the maize crop



of the informant by vehicle resorting firing. When son of the informant rushed there to forbid them, they resorted three firing, but his son escaped the fire. Appellant Indal Yadav snatched his golden locket. All the appellants slated them in the name of their 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, informant himself has ploughed the field of the appellants and on protest lodged this case with altogether wrong and concocted allegation against the appellants. Son of the informant has not sustained any injury in the occurrence. There is no allegation of slating the informant and his son in the name of their caste. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Allegation of theft levelled against appellant no.4 is super addition. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to 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 the learned Addl. Sessions Judge-XX cum Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case No. 464 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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