

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4481 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- FATEHPUR District- Gaya

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RAMJI YADAV @ RAMDEO PRASAD YADAV S/o Late Chhathu Yadav
R/o village- Goli, P.S.- Fatehpur, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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

ORAL ORDER

2 18-10-2019 Heard learned counsel for the appellant 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 27.06.2019 passed by learned Exclusive
Special Judge, SC/ST Act, Gaya in Fatehpur P.S. Case No. 78 of
2019 registered under Sections 341, 323, 504/34 of the Indian
Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

During the course of watering the field by the
informant, appellant along with three other named accused
persons are said to have descended at his field at 10:00 PM and



slated him in the name of his caste asking him to leave the village selling out his land, and appellant Ramji Yadav assaulted on his head by means of rod, resultantly, he fell senseless.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to ulterior motive. There is case and counter case between the parties. Informant has not sustained any injury in the occurrence & there is no injury report on the record. Allegation of slating levelled against the appellant is not specific rather general and omnibus in nature. Moreover, said slating is said to have been made at the field of the informant in the night at 10:00 PM i.e. not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Parties to the case have compromised the matter. Appellant has no criminal antecedent. Co-accused persons namely Dhaneshwar Yadav, Pawan Kumar and Anil Kumar have been enlarged on anticipatory bail by this court vide order dated 07.08.2019 passed in Cr. Appeal (SJ) No. 3238 of 2019.

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

In the facts and circumstances of the case, let the



above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 78 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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