

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3916 of 2018

Arising Out of PS. Case No.-93 Year-2018 Thana- KHIJARSARAI District- Gaya

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1. Bihari Lal Yadav @ Deepak Yadav S/o Anil Yadav,
 2. Anil Yadav, S/o Indradeo Yadav,
 3. Ravi Kumar S/o Rajesh Yadav and
 4. Srikant Kumar, S/o Babu Lal Yadav,
- All residents of Dharambigha, P.S. Khizersarai, District Gaya, Bihar.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Brijeshwar Narayan Singh
For the Respondent/s	:	Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 07-01-2019 This is an appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 05.09.2018 passed by the Exclusive Special Judge, S.C./S.T, Gaya in ABP No. 184 of 2018 arising out of Khizersarai P.S.Case No. 93 of 2018 registered under Sections 147, 148, 149, 323, 325, 341, 376, 379, 447, 448, 504, 506, 509 and 511 of the Indian penal Code and Sections 3(i)(r)(a)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellants, four in numbers, and others is of abusing the informant by caste name and also



assaulting the informant and others.

Submission of learned counsel for the appellants is that there is case and counter case in between the parties and no specific allegation has been attributed of abusing by caste name or of assault.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, abovenamed, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge, S.C./S.T, Gaya in ABP No. 184 of 2018 arising out of Khizersarai P.S.Case No. 93 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellant shall co-operate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.



Accordingly, the appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

sujit/-

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