

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4556 of 2019

Arising Out of PS. Case No.-405 Year-2019 Thana- SIRDALA District- Nawada

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1. BARUN KUMAR @ VARUN YADAV Son of Late Mathura Prasad Yadav Resident of Village- and Police Station-Sirdala, District-Nawada, Bihar.
 2. Manish Kumar Son of Suresh Yadav @ Ram Prasad Yadav Resident of Village and Police Station-Sirdala, District-Nawada, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anju Kumari @ Anju Narain
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 21-10-2019 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 01.10.2019 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Nawada in connection with Sirdala P.S. Case No.405 of 2019 registered under Sections 341, 323, 353, 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant giving medical aid to the patient namely



Ms. Manita Kumari, referred her to Sadar Hospital, Nawada. The relative of the said patient called the appellants, whereupon appellant Barun Kumar intruding in the operation theatre made attack on him with sharp edged weapon and slated him in the name of his caste.

It is submitted by learned counsel for the appellants that appellants have no concern with the aforesaid occurrence. The appellants have been falsely implicated in the case as the wife of appellant no.1 is Mukhiya and she has warned the informant for making complaint against him to the superior officer for not discharging duty properly. Informant in his letter to the Civil Surgeon, Nawada and said incumbent in his letter to S.H.O. has not named the appellants in the occurrence. Informant has lodged this case against the appellants after twelve days without assigning any plausible explanation for the said delay. Informant has not sustained any injury in the occurrence.

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 released 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 Additional Sessions Judge 1st-cum-Special Judge, Nawada in connection with Sirdala P.S. Case No.405 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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