

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4596 of 2019**

Arising Out of PS. Case No.-163 Year-2019 Thana- WARISLIGANJ District- Nawada

1. KARU YADAV Son of Kamu Yadav @ Kameshwar Yadav R/o Village-Murgiachak, P.S.- Warisaliganj, District- Nawada.
2. Vikash Yadav @ Vikash Kumar Son of Ashu Yadav @ Ramashish Yadav R/o Village- Murgiachak, P.S.- Warisaliganj, District- Nawada.
3. Ashu Yadav @ Ramashish Yadav Son of Ragho Yadav R/o Village-Murgiachak, P.S.- Warisaliganj, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

2 23-10-2019 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 27.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Nawada in connection with Warisaliganj P.S. Case No. 163 of 2019 registered under Sections 341, 323, 307, 447, 354(B), 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (v) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On refusal to accord toddy by informant extracting from the tree, co-accused Sohan Yadav slated him in the name of his caste followed by some altercation between them. In the meantime, appellants arrived there and assaulted the informant by means of rod inflicting injury to him. When his wife came in his rescue they also assaulted her and tore her blouse.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case merely because they happen to be brother of Sohan Yadav with whom altercation took place with the informant over not consuming toddy to him by informant. 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. Wife of informant has not sustained injury in the occurrence. There is no allegation of slating the informant in the name of his caste against the appellants. The parties to the case have compromised the matter. 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 1st Addl. Sessions Judge cum Special Judge, Nawada in connection with Warisaliganj P.S. Case No.163 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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