

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4701 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- SC/ST District- Banka

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Subhash Yadav Son of Late Maheshwari Yadav Resident of Village -
Kothrang, P.S.- Rajaun, District- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kamlesh Kumar Pathak
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 05-11-2019 Heard learned counsel for the appellant 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 bail vide order dated 16.09.2019 passed by learned 1st Additional Sessions Judge, Banka in connection with SC/ST Case No. 34 of 2018 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Three named accused persons including the appellant descending at the house of the informant slated him in the name of his caste and assaulted him by means of Dabiya and fist over row of fetching water from the public hand pump.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case over dispute of passage between the parties. Injury sustained by the informant is abrasion and tenderness which is simple in nature caused by hard blunt substance. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 04.09.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Banka in connection with SC/ST Case No. 34 of 2018.

Accordingly, the impugned order is set aside and this



appeal is allowed.

(Prakash Chandra Jaiswal, J)

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