

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4857 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SC/ST District- Nawada

-
-
1. SANJAI YADAV Son of Rambali Yadav Resident of Village - Kairikhap, P.S.- Rajauli, District - Nawada.
 2. Fulo Yadav Son of Rambali Yadav Resident of Village - Kairikhap, P.S.- Rajauli, District - Nawada.
 3. Dharmbir Yadav @ Lala Yadav Son of Rambali Yadav Resident of Village - Kairikhap, P.S.- Rajauli, District - Nawada.
 4. Saheb Yadav Son of Sanjai Yadav Resident of Village - Kairikhap, P.S.- Rajauli, District - Nawada.
 5. Chandan Yadav Son of Sanjai Yadav Resident of Village - Kairikhap, P.S.- Rajauli, District - Nawada.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 15-11-2019 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 29.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Nawada in connection with Nawada SC/ST P.S. Case No. 11/2019 registered under Sections 341, 323, 325, 354(B), 379, 504, 506/34 of the Indian Penal



Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants arriving in front of the house of the informant in inebriated condition started slating and when the informant and her husband stepped out of the house and forbade them from slating, they slated them in the name of their caste and assaulted the informant and her family members by means of lathi etc. making them injured and also snatched their ornaments.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact appellant no.3 Dharmbir Yadav has lodged Rajauli P.S. Case No.109 of 2019 against the husband of the informant and others and in order to save his skin from aforesaid case informant has lodged this false and frivolous case against the appellants. Regarding the said occurrence, the informant has also lodged Rajauli P.S. Case No.110 of 2019 against the appellants and others. Injury sustained by the injured are simple in nature. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The allegation of Slating the informant and others in the name of caste is said to have been



made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of six days in lodging the case without assigning any plausible explanation for the said delay.

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 Additional Sessions Judge cum Special Judge, Nawada in connection with Nawada SC/ST P.S. Case No. 11/2019, 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)

amit/-

U		T	
---	--	---	--

