

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4941 of 2019**

Arising Out of PS. Case No.-114 Year-2019 Thana- SARMERA District- Nalanda

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1. TANTAN YADAV @ SAMENDAR YADAV Son of Bharosa Yadav
Resident of Village - Sarmera, P.S.- Sarmera, District- Nalanda
 2. Rampravesh Yadav Son of Devendra Yadav Resident of Village - Sarmera,
P.S.- Sarmera, District- Nalanda

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Chandra

For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 19-11-2019 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 03.10.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Sarmera P.S. Case No. 114/2019 registered under Sections 341, 323, 307, 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.



Seven named accused persons including the appellants calling the son of the informant from the house in the night badly assaulted him as the informant refused to withdraw the case lodged by her against other accused persons for committing gang rape against her daughter.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, cousin of the appellant no.1 Kanchan Devi has lodged Sarmera P.S. Case No.113/2019 against the husband of the informant preceding to the case under hand and in order to save the skin from the aforesaid case, informant has lodged this false and frivolous case against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Son of the informant has not sustained any injury in the occurrence. 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 learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Sarmera P.S. Case No. 114/2019, 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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