

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5035 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- RAJAOLI District- Nawada

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1. LALA YADAV @ DHARMBIR YADAV S/o Rambali Yadav Resident of Village- Kairikhap, P.S.- Rajauli, District- Nawada.
 2. Fulo Yadav S/o Rambali Yadav Resident of Village- Kairikhap, P.S.- Rajauli, District- Nawada.
 3. Ajay Yadav S/o Rambali Yadav Resident of Village- Kairikhap, P.S.- Rajauli, District- Nawada.
 4. Subodh Yadav S/o Amirak Yadav Resident of Village- Kairikhap, P.S.- Rajauli, District- Nawada.
 5. Saheb Yadav S/o 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.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-11-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 29.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Nawada in Rajauli P.S. Case No. 110 of 2019 registered under Sections 341, 323, 324, 354(B), 504 and 506/34 of the Indian Penal Code and Section 3(i)(v)(s) of the SC/ST Act.



Appellants along with 20 unknown miscreants descending at the house of the informant slated him in the name of his caste and assaulted women folk of his house and disrobed them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellant no.1 namely Lala Yadav @ Dharmbir Yadav has lodged Rajauli P.S. Case No. 109 of 2019 against the son of the informant and others and in order to save skin from the said case informant has lodged this false and frivolous case against the appellants. Regarding the said occurrence, informant has also lodged another case bearing Nawada SC/ST P.S. Case No. 11 of 2019 after six days of the occurrence. injuries sustained by the victims are simple in nature. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant and others in the name of their 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.

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

Having regard to the facts and circumstances of the



case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (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 Rajauli P.S. Case No. 110 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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