

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5082 of 2019**

Arising Out of PS. Case No.-287 Year-2019 Thana- RAHUI District- Nalanda

SANJAY YADAV Son of Jugo Yadav Resident of Village - Malli Chak, P.S.-
Rahui, District - Nalanda.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 22-11-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 24.10.2019 passed by learned 1st Addl. Sessions
Judge, Nalanda at Biharsharif in Rahui P.S. Case No. 287 of
2019 registered under Sections 341, 323, 325, 307/34 of the
Indian Penal Code and Section 3(i)(r)(s)/3(v) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On interference of the altercation taken place
between grandson of Ishwar Paswan and Bineshwar Yadav by
the informant, all the three named accused persons including the



appellant descending at the place of occurrence where the informant was sleeping on the cot assaulted him by means of lathi slating him inflicting fracture injury in his waist.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, Bineshwar Yadav was the candidate of Mukhiya in the election for Mukhiya and due to aforesaid reason, the present Mukhiya has got lodged this false and frivolous case against the said Bineshwar Yadav & others implicating the appellant, who happens to be niece of said Bineshwar Yadav. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of his caste against the appellant. Though, as per the prosecution case and the statement of the interested witnesses, informant sustained fracture injury in his waist but, none of the witness has stated that his waist was plastered and moreover independent witness has also not supported the factum of sustaining any such fracture injury by the informant in the occurrence. I.O. has also reported that during course of investigation, he could not ascertain as to where the informant got himself treated. Informant has also not disclosed the aforesaid fact to him. Appellant has no criminal antecedent.



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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Nalanda at Biharsharif in Rahui P.S. Case No. 287 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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