

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5152 of 2019**

Arising Out of PS. Case No.-59 Year-2017 Thana- SC/ST District- Jehanabad

Yogendra Kumar, Son of Heera Rawat, Resident of Village- Dihuri, P.S.-
Hulasganj, District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

2 02-12-2019 Heard learned counsel for the appellant and the
learned counsel appearing on behalf of the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 13.12.2018 passed by the learned Additional Sessions Judge-I, Jehanabad, in A.B.P. No.1887 of 2018 in connection with Jehanabad SC/ST P.S. Case No.59 of 2017 registered under Sections 3(i)(p), 3(i)(q) of the SC & S.T. (POA) Amendment Act, 2016, whereby and whereunder the learned Judge has been pleased to refuse the prayer for anticipatory bail of the appellant.

Learned counsel for the appellant submits that



the entire allegations have emanated from the election dispute which can be agitated before the appropriate authority and not before this Court. It is submitted that the perusal of the F.I.R. does not reveal commission of any offence and relates to Panchayat election, which is mentioned in the First Information Report. It is further submitted that the provisions of the S.C. & ST Act have been misapplied in the present case and no case under the same is made out.

Considering the aforementioned facts and circumstances and that the appellant has no criminal antecedents, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-1st, Jehanabad, in connection with Jehanabad SC/ST P.S. Case No.59 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the result, the impugned order dated



13.12.2018 is set aside and the appeal is allowed.

(Anjana Mishra, J)

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