

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5211 of 2019**

Arising Out of PS. Case No.-84 Year-2019 Thana- ALINAGAR District- Darbhanga

1. Lalan Kumar @ Lalan Yadav @ Lalan Kumar Yadav, Son of Late Ram Swaroop Yadav, Resident of Village - Dohatha, P.S.- Ghanshyampur, District- Darbhanga
2. Kari Yadav, Son of Late Ram Swaroop Yadav, Resident of Village - Dohatha, P.S.- Ghanshyampur, District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 03-12-2019 Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge 1st cum Special Judge, (SC/ST (POA), Darbhanga, in Alinagar P.S. Case No. 84 of 2019 registered under sections 341,323,307,379 and 34 of the Indian Penal Code as well as under section 3 (i)(s) (r) of the SC/ST (Prevention of Atrocities) Act, 1989.

As per allegation in the FIR, the accused persons including the two appellants herein are said to have surrounded the informant. It is further stated that Girbal Yadav abused the



informant in the name of his caste and Mahendra Yadav assaulted with iron rod on his head.

It is submitted by the learned counsel for the appellant that from perusal of the FIR itself it would transpire that the specific allegation is against Girbal Yadav and Mahendra Yadav and not against these appellants. In any case the injury on the informant has been found to be simple in nature which would be evident from the injury report brought on record to the application. It is further submitted that in view of the allegation in the FIR, no offence under Section SC/ST Act is made out against these appellants.

Having heard learned counsel for the parties, I find substance in the submissions made on behalf of the appellants, as such in the facts and circumstances of the case and the order dated 24.10.2019 passed in A.B.P. No. 1712 of 2019 by the learned 1st Additional Sessions Judge Cum- Special Judge SC/ST (POA), Darbhanga is set aside and the appellants are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge 1st
cum Special Judge, (SC/ST Act), Darbhanga in connection with
Alinagar P.S. Case No. 84 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 stands allowed.

(Partha Sarthy, J)

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