

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5515 of 2019**

Arising Out of PS. Case No.-100 Year-2016 Thana- ATRI District- Gaya

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1. Rajesh Kumar @ Munna S/o Dharmendra Kumar
 2. Ashok Kumar S/o Kailash Prasad @ Arjun Yadav
 3. Vinod Yadav S/o Brahmdeo Prasad
 4. Akhilesh Kumar S/o Brahmdeo Prasad
 5. Rajeshwar Prasad S/o Sukhadi Prasad
 6. Arjun Prasad S/o Ramkisun Yadav
 7. Kavindra Prasad S/o Late Ram Sharan Prasad
- All are residents village- Jag Parsa, P.S.- Atri, District- Gaya (Bihar)

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr.Ajay Kumar Sharma, Advocate
For the Respondents : Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT**

Date : 16-12-2019

Heard learned counsel for the appellants and
learned Additional Public Prosecutor appearing on behalf of the
State.

The appellants are aggrieved by the order dated
15.11.2019 passed by learned Special Judge, SC/ST Act, Gaya
in A.B.P. No. 287 of 2019 arising out of Atri P.S. Case No. 100
of 2016 registered for the offences under Sections 147, 149,
341, 323, 324, 325, 379 and 504 of the Indian Penal Code and
Sections 3(1) (x) of the Scheduled Castes & Scheduled



Tribes(Prevention of Atrocities) Act.

Learned counsel for the appellants submits that the appellants have no criminal antecedent. Learned counsel submits that from perusal of the fardbeyan of the informant, one cannot come to the conclusion that any case under the provisions of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act is made out. He further submits that there is no disclosure by the informant in the FIR as he was not called by caste by any of the appellants in public view.

So far as other allied sections of the IPC are concerned, learned counsel for the petitioners submits that there is general and omnibus allegation and no specific overt act has been alleged against the appellants.

Considering the fact that the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act are not made out, this Court is inclined to grant the privilege of anticipatory bail to the petitioners. Let petitioners, above-named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of the learned Special



Judge, SC/ST, Gaya in connection with Atri P.S. Case No. 102
of 2016, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

The appeal stands allowed.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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