

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3998 of 2019

Arising Out of PS. Case No.-6 Year-2018 Thana- SC/ST District- Bhagalpur

1. RANBIR PRASAD YADAV @ RANBIR PD. YADAV S/o Tanik Lal Yadav
R/o Village- Sangrampur, P.S.- Sangrampur, District- Munger
2. Anil Kumar Yadav Son of Lalit Yadav R/o village- Bhalar, P.S.- Dharhara,
District- Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar, Advocate.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 02.07.2019 by the learned 3rd Addl. District and Sessions Judge cum Special Judge, Bhagalpur in A.B.A. No. 1098 of 2019, arising out of SC/ST Bhagalpur P.S. Case No. 06 of 2018 registered under Sections 341, 323, 504, 506, 379 and 385/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellants are Train Ticket Examiners. The husband of the informant was inspector in the Railway Protection Force. The informant and her husband were travelling for Howrah on



12.07.2012 and in the train altercation took place with the appellant Ranbir Prasad Yadav for allotment of berth. For that reason the appellants came to the house of the informant and again committed abuse and assault by taking caste name and demanded ransom.

Learned counsel for the appellants submits that the husband of the informant was asking for berth in the train by pressurizing the appellants showing that he is inspector of Railway Protection Force and the appellants were not in a position to assist them as there was no berth and for that reason false allegation has been levelled. Moreover, a bare perusal of the allegation and background of the allegation would reveal that occurrence did not take place for the reason that the informant was a member of the scheduled caste rather for some different reason and at the time of occurrence appellants were not aware of the caste of the informant.

Considering the submission aforesaid and material on the record, in my view, the appellants deserve protection of law, otherwise it would amount to failure of justice. Hence, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing



bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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