

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4360 of 2019

Arising Out of PS. Case No.-8 Year-2017 Thana- RAIYAM District- Darbhanga

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1. Mishri Lal Yadav Son of Late Gunju Yadav, Resident of Village - Gosai Tola Pachadi, P.O. - Pachadi, P.S.- Raiyam, Distt - Darbhanga.
 2. Dhirendra Kumar @ Dhirendra Yadav @ Dhiraj Yadav @ Dhirendra Kumar Dhiraj, son of Mishri Lal Yadav, Resident of Village - Gosai Tola Pachadi, P.O. - Pachadi, P.S.- Raiyam, Distt - Darbhanga.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.P.K.Shahi, Sr. Adv. Mr.Vipin Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, A.P.P.
For the Informant	:	Mr. Vinay Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 31-01-2020 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 22.08.2019 by the learned 1st Additional Sessions Judge-cum-Special Judge(SC/ST POA Act), Darbhanga in A.B.P. No.1347 of 2019, arising out of Raiyam P.S. Case No.08 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 506/447 of the Indian Penal Code and Section



3(1)(r)(s) of SC/ST(POA)Act.

The allegation, of abuse and assault to the informant as well as commission of theft in the house of the informant against the appellants and 16 others, is general and omnibus.

Learned Senior Counsel appearing on behalf of the appellants submits that after investigation, the police did not send the appellants and some other co-accused for trial. The appellants have stated on oath that the informant is not a member of scheduled caste, rather he belongs to Khatwe caste, which is an extremely Backward Class as notified by the government. From Annexure 5, a land possession certificate in the name of Jivachh Khatwe, father of the informant, it would appear that the informant belongs to Khatwe caste.

Learned counsel for the informant has opposed the prayer for anticipatory bail and submits that he may be allowed to verify the caste of the informant as to whether the informant belongs to Chaupal caste or not.

Considering the apparent material and oath to substantiate the caste of the informant and general and omnibus allegation, 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 bond 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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.

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

(Birendra Kumar, J)

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