

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1805 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- FATEHPUR District- Gaya

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1. SUBODH YADAV S/o Ashok Yadav Resident of Village-Pahari, P.S.- Fatehpur, District-Gaya.
 2. Santosh Yadav S/o Late Krishna Yadav Resident of Village-Pahari, P.S.- Fatehpur, District-Gaya.
 3. Shankar Yadav S/o Chandeshwar Yadav Resident of Village-Pahari, P.S.- Fatehpur, District-Gaya.
 4. Chhotu Yadav S/o Bhola Yadav Resident of Village-Chiraiyan Tand, P.S.- Rampur, District-Gaya.
 5. Vinod Yadav S/o Shiv Nandan Yadav Resident of Village-Chargharwa, Police Station-Fatehpur, District-Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunwar Narayan Jamuar
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2021 Heard the learned counsel for the appellants
and Sri Binay Krishna, the learned Spl.P.P. for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the Act, 1989”) against the refusal of prayer of anticipatory bail vide order dated 16.06.2020, passed by the learned Exclusive Special Judge (SC/ST) Gaya in anticipatory bail petition no. 85 of 2020, arising out of



Fatehpur PS case no. 81 of 2020 under Sections 448, 341, 308, 504, 506/34 of Indian Penal Code and 3(1)(r)(s) of SC/ST Act.

The allegation is regarding the accused persons including the petitioners having arrived at the shop of the informant and having ordered for making chowmein, however the informant had refused to do so, whereupon they had engaged in abusing the informant and his family members.

The learned counsel for the appellants has submitted that the appellants are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted by the learned counsel for the appellants that the injury, if any sustained by the informant, is simple in nature and moreover, there is no allegation of the accused persons having abused the informant by taking his caste specific name, hence no offence is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Per contra, the learned Spl.PP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available in the case diary, it is apparent that the injury, if any received by the informant, is simple in nature and moreover, there is no allegation of the appellants having abused the informant by taking his caste specific name, hence no offence is made out under the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, thus I deem it fit and proper to admit the appellants to the privilege of anticipatory bail. Accordingly, let the abovenamed appellants, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (ST/SC) Act, Gaya in connection with Fatehpur PS case no. 81 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.



Accordingly, the impugned order dated 16.06.2020 passed by the court of learned Special Judge (SC/ST) Gaya in connection with Fatehpur PS case no. 81 of 2020 is hereby set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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