

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3646 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- NARHATT District- Nawada

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1. GORELAL YADAV @ GORE YADAV S/o Mishri Yadav R/o Village- Ankri, P.S.- Nurhet, District- Nawada
 2. Bhola Yadav S/o Ramswaroop Yadav R/o village- Ankri, P.S.- Nurhet, District- Nawada
 3. Sanjay Yadav S/o Mishri Yadav R/o village- Ankri, P.S.- Nurhet, District- Nawada
 4. Jarra Yadav @ Nitish Kumar S/o Siyalal Yadav R/o village- Ankri, P.S.- Nurhet, District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar Verma, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.P.P. Mr.Krishna Deo Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 15-11-2021 Heard the parties.

At the very outset, learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail of the appellant no.1, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant appeal, on behalf of the appellant no.1 is dismissed as infructuous.

Now, the present appeal is being heard on the prayer of grant of anticipatory bail of appellant nos.2 to 4.



This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 27-07-2019 passed by learned Additional Sessions Judge 1st cum Special Judge, Nawada, in connection with Narhat P.S. Case No.88 of 2019, registered under sections 341,323,324,325,504,506/34 of the IPC and sections 3(i)(g),3(i)(r) of the SC/ST (Prevention of Atrocity) Act.

The prosecution case in brief, is that on the alleged date the informant along with his family was going to his in-laws house by bike but near one orchard, the accused person armed with lathi intercepted him and abused in the caste name. It is alleged that appellant no.1 assaulted the informant's wife by lathi and on information, informant's parents reached there and they were also assaulted by the accused persons.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case. The present case is the counter blast of the Narhat P.S. Case No.243 of 2017. The allegation of assault levelled against the appellants is not specific rather



general and omnibus in nature. No offence under SC/ST Act is made out against the appellants. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that alleged occurrence has taken place in public view. The appellants have no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the Informant have opposed the prayer for bail on the ground that offence is made out against the appellants and there is injury report of the informant's father, which is also evident from para-28 of the case diary.

In the facts and circumstance of the case, since there is general and omnibus allegations against the appellants, the above named appellant nos.2 to 4, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, Nawada, in connection with Narhat P.S. Case No.88 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 this
appeal is allowed.

(Anjani Kumar Sharan, J)

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