

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5214 of 2019**

Arising Out of PS. Case No.-269 Year-2019 Thana- BELAGANJ District- Gaya

1. Sarju Yadav Son of Munarik Yadav Resident of Village Dariyapur, P.S. Belaganj, District Gaya.
2. Surendra Yadav Son of Sarju Yadav Resident of Village Dariyapur, P.S. Belaganj, District Gaya.
3. Birendra Yadav @ Birendra Kumar Son of Sarju Yadav Resident of Village Dariyapur, P.S. Belaganj, District Gaya.
4. Tulsi Yadav Son of Munarik Yadav Resident of Village Dariyapur, P.S. Belaganj, District Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 07-12-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

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 of anticipatory bail vide order dated 26.09.2019, passed by learned Special Judge SC/ST, Gaya in connection with Belaganj P.S. Case No.269 of 2019, registered under Sections 447, 341, 323, 504, 34 of the Indian Penal Code and Section 3(i)(r)(w)(s) of the SC/ST Act.



Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. It is further submitted that there is general and omnibus allegation against the appellants. The injuries found on the person of the informant and others are simple in nature (Annexure-2). It is submitted that there is no allegation against the appellants of abusing the informant by naming her caste. It is lastly submitted that the appellants have got no criminal antecedent as stated in para 3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants. It is submitted that the appellants are also involved in the present case and assaulted the informant also. Learned Special P.P. for the State fairly submitted that there no allegation against the appellants of abusing the informant by naming her caste.

Taking into consideration the facts aforesaid, it appears that no case is made out under the SC/ST Act, therefore, no notice is required to be issued to the informant of the case.

Having considered the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail



on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, Gaya in connection with Belaganj P.S. Case No.269 of 2019.

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

(Anjani Kumar Sharan, J.)

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