

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5398 of 2019**

Arising Out of PS. Case No.-331 Year-2019 Thana- MALSALAMI District- Patna

1. MINTU YADAV @ MINTU KUMAR S/o Shyambabu Yadav @ Shyambabu Ray R/o village- Rikabganj, Simli Murarpur, P.S.- Malsalami, District- Patna
2. Shashibhusan Kumar @ Bhusan Yadav S/o Hiranath Ray @ Hari Ray R/o village- Rikabganj, Simli Murarpur, P.S.- Malsalami, District- Patna
3. Mani Kumar @ Mani Yadav S/o Kailash Ray R/o village- Rikabganj, Simli Murarpur, P.S.- Malsalami, District- Patna

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad
For the Respondent/s : Mr. Sadanand Paswan

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

3 06-12-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 05.11.2019 passed by learned Additional Sessions Judge-XX-cum Special Judge (SC/ST Act), Patna in connection with Special Case No. 416/2019, arising out of Malsalami P.S. Case No.331/2019 registered under Sections 341, 323, 504, 506 & 353/34 of the Indian Penal Code and



Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have assaulted the workers of the electricity department and also slated them by using their caste name.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the workers is not specific rather general and omnibus in nature. Slating the workers of the electricity department in the name of caste is said to have been made not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XX-cum Special Judge (SC/ST Act), Patna in connection with Special Case No.416/2019, arising out of Malsalami P.S. Case No.331/2019, 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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