

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.577 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- IMAMGANJ District- Gaya

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1. ANTU YADAV Son of Rajdeo Yadav Resident of Village - Gram Bishun Bigha, Panchayat, Pakdi Gudiya, P.S.- Imamganj, Dist.- Gaya.
 2. DINESHWAR YADAV @ DINESH YADAV Son of Rajdeo Yadav Resident of Village - Gram Bishun Bigha, Panchayat, Pakdi Gudiya, P.S.- Imamganj, Dist.- Gaya.
 3. RAJDEO YADAV Son of Late Baiju Yadav Resident of Village - Gram Bishun Bigha, Panchayat, Pakdi Gudiya, P.S.- Imamganj, Dist.- Gaya.

... .. Appellants.

Versus

1. The State of Bihar
2. Lakshminia Devi W/o Bigan Bhuiyan Resident of Village - BishunBigha, P.s.- Imamganj, Distt.- Gaya.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-07-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Although Vakalatnama has been filed on behalf of respondent no.2 but none appeared on his behalf.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

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 07.09.2020 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Imamganj P.S. Case No. 94/2020 registered under Sections 147, 148, 149, 341, 323, 354, 307 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that all the accused persons including these appellants came to the house of the informant and stopped the construction work of public road going in front of the house of the informant saying that informant and his community members being of low caste has no right to public road. They also abused them by their caste name and damaged the mud house of one Subhash Bhuiya.

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 due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The learned lower Court has also not mentioned any injury in the impugned order. The allegation of slating the informant

t the appellants is not specific rather



general and omnibus in nature. Hence, no offence under SC/ST Act is made out against the appellants. Appellants have one criminal antecedent as mentioned in para-3 of this memo of appeal.

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 released 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Imamganj P.S. Case No.94/2020, 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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