

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5694 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- EKMA District- Saran

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1. BABULI YADAV S/O Lal Babu Yadav Resident of Village - Lalpur, P.S. - Manjhi, Distt. - Saran at Chapra.
 2. Suraj Yadav S/O Ramesh Yadav Resident of Village - Lalpur, P.S. - Manjhi, Distt. - Saran at Chapra.
 3. Shailesh Yadav S/O Basgit Yadav Resident of Village - Lalpur, P.S. - Manjhi, Distt. - Saran at Chapra.
 4. Sujit Yadav S/O Utam Yadav Resident of Village - Lalpur, P.S. - Manjhi, Distt. - Saran at Chapra.
 5. Chhotu Yadav S/O Yogi Yadav Resident of Village - Lalpur, P.S. - Manjhi, Distt. - Saran at Chapra.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-01-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

At the very outset, learned counsel for the appellants submits that he does not want press this appeal in respect of appellant no.1 and seeks permission to withdraw this appeal in respect of appellant no.1.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.1.



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 20.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Ekma P.S. Case No. 121 of 2019 registered under Sections 341, 323, 379, 307 & 504/34 of the Indian Penal Code and Section 3(1) (r) & 3 (ii) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant on regressing to his house on a cycle, in the meantime the appellants are said to have come and appellant no.1 abused the informant in his caste name. When the informant protested all of them assaulted him by means of lathi and danda. They also snatched his mobile phone.

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 and previous enmity. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The specific overt act is against appellant no.1. The allegation of assaulting the informant is not specific rather general and omnibus in nature. The learned



lower Court has also not mentioned any injury in the impugned order. Appellants have no criminal antecedent.

As prima facie no offence under SC/ST Act is made out against the appellant nos.2 to 5, hence there is no requirement of issuing notice to the informant.

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

In the facts and circumstances of the case, the above named appellant nos.2 to 5, 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Ekma P.S. Case No.121 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 in respect of appellant nos.2 to 5 only.

(Anjani Kumar Sharan, J)

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