

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5835 of 2019

Arising Out of PS. Case No.-123 Year-2018 Thana- ALINAGAR District- Darbhanga

1. NIRBHAY YADAV Son of Ram Kumar Yadav @ Saheb Yadav Resident of Village-Shyampur, P.S-Alinagar, District-Darbhangha.
2. Bablu Yadav Son of Ram Kumar Yadav @ Saheb Yadav Resident of Village-Shyampur, P.S-Alinagar, District-Darbhangha.
3. Ram Kumar Yadav @ Saheb Yadav Son of Mahavir Yadav Resident of Village-Shyampur, P.S-Alinagar, District-Darbhangha.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-01-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

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 18.07.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in connection with Alinagar P.S. Case No. 123 of 2018 registered under Sections 341, 323, 342, 379, 504, 506, 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

When the son of the informant reached to the PDS shop which is run in the house of Ram Kumar Yadav @ Saheb Yadav on rent, Kamlesh Mandal wrapped Gamcha on his neck and began to twist and abused him calling caste name and beat him also with clap and punch. It is also alleged that Ram Kumar Yadav taken Rs. 5000/- from the pocket of informant.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that allegation levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation upon co-accused Kamlesh Mandal who abused the informant and his son. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposes the prayer for bail and submits that there is specific allegation against Ram Kumar Yadav who abused the informant and his son by taking caste name.

Considering the facts and circumstances of the case and the fact that there is no specific allegation against



appellant nos. 1 and 2, the above named appellant nos. 1 and 2 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 Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in connection with Alinagar P.S. Case No. 123 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, there is specific allegation against appellant no. 3, I am not inclined to enlarge the appellant no. 3 on bail. Accordingly, the prayer for bail of the appellant no. 3 is rejected in connection with the aforesaid case.

Accordingly, the impugned order is set aside and this appeal is allowed so far as appellant nos. 1 and 2 are concerned.

(Anjani Kumar Sharan, J)

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