

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1985 of 2024

Arising Out of PS. Case No.-19 Year-2022 Thana- SC/ST District- Lakhisarai

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1. Tinku Yadav @ Tinku Kumar @ Rajesh Kumar Son of Jagdish Yadav
Resident of Village- Khemtarni Sthan, P.S.- Suryagarha, District- Lakhisarai
 2. Mangal Yadav @ Mangal Kumar @ Amit Kumar Son of Kedar Yadav
Resident of Village- Khemtarni Sthan, P.S.- Suryagarha, District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Dipak Kumar Son of Banvari Das @ Bano Das Resident of Village-
Khemtarni Sthan, P.S.- Suryagarha, Dist.- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mayank Bilochan
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2024 1. Heard learned counsel for the appellants and the
learned Special Public Prosecutor for the State.

2. 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 for anticipatory bail vide
order dated 12-3-2024 in A.B.P. No. 146 of 2024 passed by the
learned Addl. District & Sessions Judge-1, Lakhisarai in
connection with Lakhisarai SC/ST P.S. Case No. 19 of 2022
registered for the offences punishable under Sections 341, 342,
323, 504, 506 and 34 of the Indian Penal Code as well as



Sections 3(1)(r)(s) and 2 (va) of the SC/ST Act.

3. The learned counsel for the appellants submits that the appellants have antecedent of two case and the informant alleges that he left the job of Teacher from Baidyanath Public School and now, is a tutor. It is next alleged that on 19.05.2022 at about 5.00 P.M. in the evening the informant was present in his house when Govind Kumar and Sanni Kumar came and informed him that Mukhiya Jee is calling him for some urgent work, accordingly, informant accompanied them and he was taken to Baidyanath Public School where from before the accused persons including the appellants were present and they took him inside a room of the said school and thereafter, it is alleged that he was abused by taking his caste name and also assaulted with fists and slaps and was made to sign on some blank papers on point of gun which was also videographed.

4. The learned counsel for the appellants submits that the appellants have been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no offence under the SC/ST (P.O.A.) Act is made out. It is also submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then the informant alleges that he was taken to the school and was brought to a room where he was assaulted by fists and slaps and was made to sign on some blank papers on point of gun and the same was videographed, but then it is submitted that



whatever happened, happened inside a room of the school and thus, was not in public view.

5. Regard being had to the aforesaid submissions, the order dated 12.03.2024 is set-aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1, Lakhisarai in connection with Lakhisarai SC/ST P. S. Case No.19 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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