

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5487 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- HATHAURI District- Samastipur

1. Lal Babu Yadav, Male, aged about 61 years, Son of Late Ram Sundar Yadav @ Sundar Yadav R/o vill- Kankar, P.S. - Hathauri, Distt. - Samastipur
2. Shambhu Yadav, Male, aged about 43 years, Son of Rajendra Yadav R/o vill - Kankar, P.S. - Hathauri, Distt. - Samastipur
3. Surendra Kumar @ Surendra Yadav, Male, aged about 32 years, Son of Lal Babu Yadav R/o vill - Kankar, P.S. - Hathauri, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi W/o Shushil Paswan R/o vill - Kankar, P.S. - Hathauri, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pratik, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Pranav Kumar, Advocate
		Mr. Rajeev Rajan No.II, Advocate
		Mr. Bhubneshwar Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 18-03-2024 Heard learned counsel for the appellants and learned Special P.P. for the State as well as learned counsel for the respondent no.2/informant, on point of admission and on merit also.

2. The appellants have preferred the present appeal under Section 14A(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 bail vide order dated 13.10.2023 passed by the



learned Special Judge (SC/ST Act), Samstipur in connection with Hathauri P.S. Case No.119 of 2023 registered under Sections 147, 148, 149, 341, 323, 324, 354, 504, 506 of Indian Penal Code and Section 3(1)(r)(s)(w)/3(2)(va) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. The allegation against the appellants is to have assaulted and threatened to the informant and his family members along with other co-accused persons.

5. Learned counsel for the appellants submitted that the appellants have falsely been implicated in the present case. It is submitted that no specific allegation is against the appellants, rather allegation is against these appellants is general and omnibus in nature. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against these appellants, which attracts atrocities within the meaning of the SC/ST Act. It is further submitted that appellants are in custody since 23.08.2023.

6. Learned counsel for the appellants submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in *State of Madhya Pradesh Vs. Parasram @ Purushottam, as*



reported in 2015 (153) AIC 276.

7. Learned Special P.P. for the State duly assisted by learned counsel for the Respondent No.2/Informant opposes the prayer for bail of the appellants.

8. In view of the submissions, as made above and as it appears from FIR and impugned order no specific allegation is against these appellants rather allegation against these appellants are general and omnibus in nature, let these appellants, above named, are directed to be released on bail in connection with Hathauri P.S. Case No.119 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Samastipur.

9. Accordingly, impugned order dated 13.10.2023 is set aside.

10. Hence, appeal stands allowed.

(Ramesh Chand Malviya, J)

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