

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.761 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Dhanraj Yadav son of Yugal Yadav

2. Yogendra Yadav

3. Nagendra Yadav

Both sons of late Bhagelu Yadav

4. Saheb Yadav son of Dinanath Yadav

All r/o vill Bishunpurwa P.S. Sugauli, Dist- East Champaran

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar No. 2, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-10-2016

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. This appeal under Section 14-A(2) of The
Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (for short 'the Act') has been filed against the
order dated 04.08.2016 passed by the learned Additional District &
Sessions Judge-I, East Champaran, Motihari in B. P. No. 1382 of
2016, whereby the bail application of the appellants in connection

with Sugauli P. S. Case No. 75 of 2016 registered under Sections 147, 148, 149, 341, 323, 324, 307, 380, 427, 325, 504 and 506 of the Indian Penal Code and Section 3(1)(x)(xi) of the Act, has been rejected.

3. It is contended by the learned counsel for the appellants that in connection with the occurrence which is alleged to have taken place on 24th March, 2016, the FIR was instituted on 29th March, 2016 and no plausible explanation has been given for the inordinate delay caused in lodging the FIR. It is further contended that due to old enmity, a false and fabricated case has been instituted in which the appellants are in custody since 13.07.2016. The investigation of the case has also been completed and there is no good reason for keeping the appellants in custody. Lastly, it has been contended that the injuries caused to the members of the prosecution party are all simple and superficial in nature.

4. On the other hand, learned Special Public Prosecutor for the State has opposed the application for grant of bail to the appellants. He has submitted that though the injuries caused were found simple by the doctor who examined the injured persons, the alleged act of the appellants is serious in nature and the appellants do not deserve bail.

5. I have heard learned counsel for the parties and perused the materials available on record.

6. Regard being had to the facts and circumstances of the case, the impugned order dated 04.08.2016 passed by the learned Additional District & Sessions Judge-I, East Champaran in B. P. No. 1382 of 2016 is set aside. The appellants are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I, East Champaran, Motihari in connection with Sugauli P. S. Case No. 75 of 2016.

7. The appeal stands allowed.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	...
Uploading Date	
Transmission Date	