

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1210 of 2018

Arising Out of PS.Case No. -146 Year- 2017 Thana -MAGADH UNIVERSITY District- GAYA

- =====
1. Anita Devi, W/o Munna Yadav.
 2. Fulmati Devi, W/o Mahesh Yadav.
 3. Daulati Devi, W/o Sarju @ Ravi Ranjan Yadav.
 4. Munna Yadav, S/o Chanesh Yadav
 5. Mahesh Yadav, S/o Ramdhan Yadav.
 6. Manoj Yadav, S/o Mahesh Yadav, All resident - Gyan Khap, Balwa Tand, near Dobhi Road, P.S. Magadh University, Bodh Gaya, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, (hereinafter referred to as the “S.C./S.T. Act”) against the refusal of prayer for anticipatory bail vide order dated 26.03.2018 passed in A.B.P. No.56 of 2018, by the learned Special Judge, S.C./S.T. Act, Gaya, in connection with Magadh University P.S. Case No.146 of 2017, registered under Sections 341, 323, 307, 379, 354, 504, 506/34 of the Indian Penal Code and Section 3(1) (R) (S) of the S.C./S.T. Act.



There is case and counter case. Specific allegation is against appellant No.4, *Mahesh Yadav* to have caused injury with *Gandasa* at the head of the informant. The Doctor has found simple injury on the head of the informant.

Since appellant No.4, *Mahesh Yadav* had knowledge that his act might cause death, hence, I am not inclined to enlarge appellant No.5, *Mahesh Yadav* on anticipatory bail.

There is general and omnibus allegation against other appellants of commission of assault and abuse.

Considering the case and counter case between the parties, and general and omnibus allegation, let the remaining appellants namely, (1) *Anita Devi*, (2) *Fulmati Devi* (3) *Daulati Devi* (4) *Munna Yadav* and (6) *Manoj Yadav* in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the



appellants.

Accordingly, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

