

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4026 of 2018

Arising Out of PS. Case No.-101 Year-2014 Thana- LAUKAHA District- Madhubani

1. Babita Kumari @ Savita Devi, Wife of Arjun Yadav,
2. Arjun Kumar Yadav @ Arjun Yadav, Son of Kapleshwar Yaav,
3. Ghurani Devi, Wife of Kapleshwar Yadav,
4. Shobendra Kumar @ Shobhendra Kumar, Son of
5. Archana Devi, Wife of Bablu Yadav,
6. Rambati Devi, Wife of Yugeshwar Yadav,
7. Lila Devi, Wife of Baleshwar Yadav @ Bale Yadav, All are
resident of Village- Jakahi, P.S.- Laukaha, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

Heard learned counsel for the parties.

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 26.07.2018 in A.B.P. No. 703 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Lalmaniya (Laukaha) P.S. Case No. 101 of 2014 registered under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 427, 448, 504,



120B of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

Since allegation against appellant no. 2 Arjun Kumar Yadav @ Arjun Yadav and appellant no. 4 Shobendra Kumar @ Shobendra Kumar is specific of commission of injury at the head of the respective injureds, I am not inclined to enlarge **appellant no. 2 Arjun Kumar Yadav @ Arjun Yadav** and **appellant no. 4 Shobendra Kumar @ Shobendra Kumar** on anticipatory bail for the reason that they had knowledge that their act might cause death. Hence, prayer of **appellant no. 2** and **appellant no. 4** for anticipatory bail is refused.

Appellant nos. 1, 3, 5, 6 and 7 are females and there is no specific allegation against them, hence, let the appellant nos. 1, 3, 5, 6 and 7, above named, 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 anticipatory 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 appellant nos. 1, 3, 5, 6 and 7 shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant nos. 1, 3, 5, 6 and 7 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, this appeal is partly dismissed and partly allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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