

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1779 of 2018

Arising Out of PS.Case No. -166 Year- 2018 Thana -BARACHATTI District- GAYA

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1. Kamlesh Yadav, son of Baijnath Yadav
2. Naresh Yadav, son of Baijnath Yadav
3. Pradeep Yadav @ Pradeep Kumar Yadav, son of Sri Jitan Yadav
4. Sunil Yadav, son of Dewan Yadav
5. Arvind Yadav, son of Chandeshwar Yadav
6. Omkar Kumar, son of Muneshwar Yadav

All resident of village Raundwa, P.S. Mohanpur, Distt. Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-05-2018 Heard learned counsel for the Appellants and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned order dated 03.04.2018 passed by **learned Special Judge, SC/ST, Gaya**, in connection with **Barachatti (Mohanpur) P.S. Case No. 166 of 2018** registered for the offence under Sections 147, 149, 323, 354, 504, 506 of the Indian Penal Code, and Section 3 (I) (r) (s) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for anticipatory bail of the Appellants has been rejected.

Learned counsel for the Appellants has submitted that they have no criminal antecedent. There is no any specific



allegation of overt act against them. There is specific allegation of overt act against co-accused Gayena Yadav. It has further been submitted that there is general and omnibus allegation against the Appellants.

It is alleged in the written report that when the daughter of the informant had gone for call of nature, co-accused Gayena Yadav caught her and shut her mouth forcibly. There is no mention in the written report that these Appellants abused the informant by taking her caste name.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order 03.04.2018 passed by **the learned Special Judge, SC/ST, Gaya**, in connection with **Barachatti (Mohanpur) P.S. Case No. 166 of 2018** is hereby set aside.

Let the Appellants above named in the event of surrender/arrest within six weeks from today, in connection with **Barachatti (Mohanpur) P.S. Case No. 166 of 2018**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Special Judge, SC/ST, Gaya**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having



sufficient immovable property within the jurisdiction of the court concerned, (2) Appellants shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if Appellants tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellants.

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(Sanjay Priya, J)

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