

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2391 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- SC/ST District- Saharsa

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1. Bijendra Yadav @ Bijendra Kumar Yadav,
 2. Surendra Yadav, Both Sons of Late Raj Narayan Yadav @ Late Bishwanath Yadav,
 3. Sikain Yadav @ Sikandar Yadav, Son of Late Panchu Yadav,
 4. Chhotelal Yadav, Son of Kusumlal Yadav, All are resident of Village- Bijalpur, Panchayat Bijalpur, P.S.- Bihra, District- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kiran Devi, Wife of Bablu Rajak, Resident of Village- Ghina, Panchayat- Bijalpur, P.S.- Bihra, District- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhim Kumar Yadav
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-08-2018

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 23.04.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, (S.C./S.T. Act), Saharsa in A.B.P. No.267 of 2018, arising out of S.C./S.T. Sadar Saharsa Police Station Case No.12 of 2017 registered under Sections 341, 323, 354, 504, 506, 379/34 of the Indian Penal Code and Section 3(i)(v)(S) 4(w) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Most of the offences of the Indian Penal Code alleged against the appellants are bailable. The F.I.R. was lodged after delay of about one month without any reasonable explanation for the same. The appellants have disclosed their criminal antecedents, which would show that no case under the S.C./S.T. Act was lodged against the appellants, save and except, one case by the family member of the informant. There is case and counter case. The allegation is general and omnibus of commission of abuse and assault.

Considering the entire facts aforesaid, let the appellants, 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 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the



investigation/trial of the case, failing which the court below shall
be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and this
appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

