

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.312 of 2019

Arising Out of PS. Case No.-75 Year-2015 Thana- SC/ST District- Bhojpur

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1. Ram Raushan Yadav @ Chhotey and Ors Daroga Singh Resident of Village - Ratnadh P.S. - Agion (G) Distt- Bhojpur.
 2. Narendra Yadav Laxman Yadav Resident of Village - Ratnadh P.S. - Agion (G) Distt- Bhojpur.
 3. Sidhnath Yadav Ishwar Dasyal Yadav Resident of Village - Ratnadh P.S. - Agion (G) Distt- Bhojpur.
 4. Chhotey Pathak Vijay Pathak Resident of Village - Ratnadh P.S. - Agion (G) Distt- Bhojpur.
 5. Dhanghi Singh @ Dhanji Singh Jagnarayan Yadav Resident of Village - Ratnadh P.S. - Agion (G) Distt- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 23-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 04.12.2018 passed by learned 1st Additional District and Sessions Judge, Bhojpur, Ara in connection with SC/ST P.S. Case No. 75 of 2015 registered under Sections 147, 149, 341, 323, 354(B), 504 and 506 of the Indian Penal Code and Section 3(i)(x)(xi) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants



submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. In fact, the F.I.R. has been lodged after lapse of two days from the date of occurrence without explaining the plausible delay which creates doubt over the prosecution version. No specific case is made out against the appellants. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-1, Bhojpur at Ara in connection with SC/ST P.S. Case No. 75 of 2015 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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Transmission Date	

