

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4539 of 2018

Arising Out of PS. Case No.-189 Year-2018 Thana- SIRDALA District- Nawada

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1. Sudhir Yadav and Ors S/o Arjun Yadav @ A.P. Yadav
 2. Upendra Yadav S/o Arjun Yadav @ A.P. Yadav
 3. Jitendra Yadav S/o Arjun Yadav @ A.P. Yadav
 4. Satyendra Yadav S/o Horil Yadav All are Resident of Village- Jamunia, P.S.- Sirdalla, District-Nawada.

... .. Appellant/s

Versus

State Of Bihar and Anr

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 25-01-2019

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 28.9.2018 passed in ABP No.1562 of 2018 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act by the learned Ist Addl. Sessions Judge, Nawada whereby and where-under, the appellants application for grant of anticipatory bail has been rejected.

Allegation against the appellants as per FIR is that the appellants side were constructing house and the same was stopped by *Amin* due to which the appellants annoyed and attacked the informant and there is specific allegation against the appellant no.3 that he assaulted by spade and other appellants also assaulted by *Falsa* and against the appellant no.1 of assault by '*BUT*' portion of country-made *katta* causing injury to him and



also abused by caste name. Allegation against the appellant no.2 is of assault by *Khanti* on head and the informant received fracture injury at hand.

Submission of the learned counsel for the appellant is that there is case and counter case between the parties, no such occurrence has taken place, the injury report is also not available on the record and they have been falsely implicated in this case.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellant, above named, in the event of his arrest or surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/-(twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Spl Judge SC/ST (POA) Act, Nawadain connection with ABP No.1562 of 2018 arising out of Sirdalla P.S.Case No.189 of 2018, subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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