

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1643 of 2019

Arising Out of PS. Case No.-38 Year-2016 Thana- SC/ST District- Buxar

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1. GANESH YADAV Son of Late Jirakhan Yadav Resident of Village - Kathar, P.S.- Krishna Bram, Distt.- Buxar.
 2. Vikash Yadav Son of Ganesh Yadav Resident of Village - Kathar, P.S.- Krishna Bram, Distt.- Buxar.
 3. Bandhu Yadav Son of Shivashankar Yadav Resident of Village - Kathar, P.S.- Krishna Bram, Distt.- Buxar.
 4. Munna Yadav Son of Shivashankar Yadav Resident of Village - Kathar, P.S.- Krishna Bram, Distt.- Buxar.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar Roy
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 17-05-2019

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 02.03.2019 passed by learned 1st Additional District and Sessions Judge -cum- Special Judge, Buxar in connection with Buxar SC/ST Case No. 66 of 2017 registered under Sections 447, 504, 506, 323, 325/34 of the Indian Penal Code and Section 3(i)(r)(s) 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 are innocent and have not committed any offence. In fact, the appellants have been made accused in



this case on account of earlier case being Brahmpur (K.B.) P.S. Case No. 258 of 2016 which has been lodged against the informant and others, which is evident from Annexure-2. Moreover, the police after investigation submitted final form in this case and found the case not true, which is evident from Annexure-3. 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 Additional District and Sessions Judge, 1st -cum- Special Judge, Buxar in connection with Buxar SC/ST P.S. Case No. 38 of 2016 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/-

Uploading Date	
Transmission Date	

