

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1846 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- INDUSTRIAL District- Bhagalpur
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1. ARBIND YADAV Son of Kadru Yadav @ Kedar Yadav Resident of Village - Gopalpur, P.S.- Industrial Area, Distt - Bhagalpur.
2. Laddu Yadav Son of Kadru Yadav @ Kedar Yadav Resident of Village - Gopalpur, P.S.- Industrial Area, Distt - Bhagalpur.
3. Bhaggu Yadav Son of Kedar Yadav @ Kadru Yadav Resident of Village - Gopalpur, P.S.- Industrial Area, Distt - Bhagalpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Kalawati Devi Wife of Harimohan Das Resident of Village - Gopalpur, P.S.- Industrial Area, Distt - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Swapnil Kumar Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 13-05-2019

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 04.04.2019 passed by learned III Additional District and Session Judge -cum- Special Judge SC/ST Act, Bhagalpur in connection with Industrial P.S. Case No. 153 of 2018 registered under Sections 341, 323, 385, 354(A), 448, 504, 506, 509/34 of the Indian Penal Code and Section 3(i)(s), 3, 2(v)(a) 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 falsely been implicated in this case on account of earlier dispute in which Panchayati was also held between them but the informant side failed to act as per the terms of Panchayati and lodged this false case against the appellants to save their skin, 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 3rd Additional District and Sessions Judge -cum- Special Judge, SC/ST Act, Bhagalpur in connection with Industrial P.S. Case No. 153 of 2018 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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