

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2882 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- KHUSRUPUR District- Patna

1. ASHOK YADAV @ ASHOK SINGH Son of Late Bimal Singh Resident of Village - Dhupan Tola, P.S.- Khushrupur, District - Patna
2. Suraj Kumar @ Suraj Yadav Son of Sri Ganauri Singh Resident of Dhupan Tola, P.S.- Khushrupur, District- Patna
3. Ganesh Barhi @ Ganesh Sharma Son of Indradeo Mistry Resident of Bhuski, P.S.- Khusrupur, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rani Kumari
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 16-09-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 23.04.2019 passed by learned Addl. Sessions Judge-VIII cum Special Judge, SC/ST Act, Patna in Khashrupur P.S. Case No. 64 of 2019 registered under Sections 341, 323, 307, 379 and 354/34 of the Indian Penal Code and Section 3(2)(va) of the SC/ST Act.

Appellant Ashok Yadav passed gross comment against the daughters of the informant during the course of



cooking. On protest made by the informant, he started dragging her daughters from the house and on hulla made by her he called his ten other accomplices and started assaulting her. All of them also assaulted her family members and snatched her Rs.8000/- and a mobile phone.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. As a matter of fact, appellant Ashok Yadav had gone to the house of the informant to ask her to do work in his house, but she refused to accompany him which was followed by some altercation and due to aforesaid reason informant has lodged this false and frivolous case against the appellants. The allegation of assaulting the informant and her family members levelled against the appellants is not specific rather general and omnibus in nature. Victims have sustained simple injury in the occurrence. Appellant nos. 2 and 3 have no criminal antecedent while two more criminal cases have been lodged against appellant no.1 but he is on bail in said cases.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VIII cum Special Judge, SC/ST Act, Patna in connection with Khashrupur P.S. Case No. 64 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C with condition that if appellants are found involved in such type of occurrence, learned lower court shall be at liberty to cancel the bail bonds of the appellants.

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

(Prakash Chandra Jaiswal, J)

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