

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2867 of 2019**

Arising Out of PS. Case No.-197 Year-2019 Thana- NATHNAGAR District- Bhagalpur

1. Akshay Kumar Son of Late Subhash Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
2. Angad Yadav Son of Late Subhash Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
3. Kaila Yadav @ Sintu Kumar Son of Jiyalal Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
4. Ritta Yadav Son of Jiyalal Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
5. Gautam Yadav Son of Basudeo Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
6. Buchchi Yadav Son of Late Sakhichand Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
7. Janglee Yadav Son of Late Sakhichand Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
8. Mahesh Yadav Son of Late Sakhichand Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
9. Gopal Yadav Son of Buchchi Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.
10. Ganga Yadav Son of Mahesh Yadav Resident of Village- Bhatoriya, P.S.- Madhusundanpur, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Appellant/s  | : | Mr. Praveen Kumar Agrawal |
| For the Respondent/s | : | Mr. Sadanand Paswan       |

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

2      19-07-2019                      Heard learned counsel for the appellants and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 01.06.2019 passed by learned 3<sup>rd</sup> Addl. Sessions Judge cum Special Judge, Bhagalpur in Nathnagar (Madhusudanpur) P.S. Case No. 197 of 2019 registered under Sections 341, 323, 354(B), 385, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants are said to have slated Binna Rajak in the name of his caste on not providing them Rs. 500/- as *Rangdari*. They also assaulted Binna Rajak and misbehaved with Mangli Devi.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, brother of Jitendra Rajak and nephew of informant Mangli Devi intruded into the house of the appellants to commit theft and were apprehended by the appellants. Regarding said case, co-accused Mahesh Yadav has lodged Nathnagar P.S. Case No. 196/2019 against Jitendra Rajak and others preceding to the case under hand and the FIR of the said case was received in the learned court below on 27.04.2019, and in order to save his skin from the said case, the informant has lodged this false and frivolous ante dated case as the FIR of the case was received in



the learned court below on 29.04.2019. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

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

In 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 learned learned 3<sup>rd</sup> Addl. Sessions Judge cum Special Judge, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 197 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Prakash Chandra Jaiswal, J)**

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