

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4001 of 2018

Arising Out of PS. Case No.-179 Year-2018 Thana- ALOULI District- Khagaria

-
1. Bobelal Yadav @ Babulal Yadav Son of Sukhdeo Yadav
 2. Promod Yadav son of Mouji Yadav
 3. Chandrashekhar Yadav sonof Devi Lal Yadv All are All are Resident of Village-Imli,P.S. Allouli, Distt.Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar Agrawal
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-01-2019 By way of this memo of appeal, preferred under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities)Act, 2016, appellants seek for setting aside the order dated 18.09.2018, passed in Allouli P.S. Case No. 179 of 2018 for the offences punishable under Sections 147, 148, 341, 323, 307, 436 and 504 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act, by the learned Additional Sessions Judge -I -cum Special Judge Khagaria, whereby and whereunder, appellants' application for grant of anticipatory bail has been rejected.

Allegation against the appellants and others is of abusing the informant by caste name and assaulting him by means of lathi and dand and there is specific allegation against



appellant no. 2 of setting the house on fire causing damage to the daily use articles and further allegation against appellant nos 2 and 3 is of firing, however, the said firing did not hit anybody.

It has been submitted on behalf of the appellants that they have falsely been made accused in this case and there is case and counter case between the parties and no specific allegation of abuse by caste name has been attributed to the appellants and admittedly the firing did not hit anybody. So far allegation against appellant no. 2 of setting the house on fire is concerned, there is nothing on record to show that actually the house was set on fire.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, so far appellant no. 2 is concerned, I am not inclined to grant privilege of anticipatory bail to him.

So far other appellants i.e. appellant nos. 1 and 3 are concerned, considering the fact that although there is allegation of firing against them but admittedly nobody has received injury from the said firing, as such, this appeal with regard to appellant nos. 1 and 3 is allowed and the impugned order with regard to appellant nos.1 and 3, is set aside, let the appellant



nos. 1 and 3, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousands) each with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge -I -cum Special Judge Khagaria, in connection with Allouli P.S. Case No. 179 of 2018, subject to the conditions laid down under Section 438 (2) of Cr.P.C.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

sunilkumar/-

U		T	
---	--	---	--

