

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3570 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- BARHAT District- Jamui

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1. LAKHAN YADAV Son of Arjun Yadav Resident of Village-Bhandra, P.S.-Barhat, District-Jamui.
 2. Satan Yadav @ Sakindra Yadav @ Sikandar Yadav Son of Arjun Yadav Resident of Village-Bhandra, P.S.-Barhat, District-Jamui.
 3. Sobhi Yadav Son of Sharif Yadav Resident of Village-Bhandra, P.S.-Barhat, District-Jamui.
 4. Bhutak Yadav @ Niranjan Yadav Son of Sahdev Yadav Resident of Village-Bhandra, P.S.-Barhat, District-Jamui.
 5. Rambilas Yadav Son of Bhutak Yadav Resident of Village-Bhandra, P.S.-Barhat, District-Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 08-11-2019 Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.1 Lakhan Yadav and appellant no.2 Satan Yadav @ Sakindra Yadav @ Sikandar Yadav submitting that aforesaid appellants have been arrested during the pendency of this appeal.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant nos. 1 and 2 only.

Heard learned counsel for appellant nos. 3, 4 and 5



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 25.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Jamui in Barhat P.S. Case No. 26 of 2019 registered under Sections 147, 148, 149, 323 and 307 of the Indian Penal Code and Section 3(i)(v) of the SC/ST Act.

On brawl ensued between the children on Holi festival, appellant Rambilas Yadav assaulted Shibu Das while other accused persons assaulted other persons by means of lathi and they slated the informant and others in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case as agnates of the informant have filed Title Suit No. 179 of 2018 against appellants and others. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant and others in the specific name of their caste against the appellants. None has sustained injury in the occurrence. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Rajesh Yadav



and others have been enlarged on bail by this court vide order dated 12.09.2019 passed in Cr. Appeal (SJ) No. 3853 of 2019.

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 1st Addl. Sessions Judge, Jamui in connection with Barhat P.S. Case No. 26 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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