

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4706 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SC/ST District- Aurangabad

1. SAMLESH YADAV @ SAMLESH KUMAR Son of Subhash Singh @ Subhash Yadav Resident of Village- Somikhap, P.S- Narari Kala Khurd, District- Aurangabad.
2. Subhash Yadav @ Subhash Singh Son of Late Rajdeo Singh @ Ramdeo Singh Resident of Village-Somikhap, P.S-Narari Kala Khurd, District- Aurangabad.
3. Bhagwan Das @ Bhagwan Singh Son of Late Rajdeo Singh @ Ramdeo Singh Resident of Village-Somikhap, P.S-Narari Kala Khurd, District- Aurangabad.
4. Ram Sundar Yadav @ Ram Sundar Singh Son of Late Rajdeo Singh @ Ramdeo Singh Resident of Village-Somikhap, P.S-Narari Kala Khurd, District-Aurangabad.
5. Ajit Yadav @ Ajit Kumar Singh Son of Late Birendra Singh @ Birendra Yadav Resident of Village-Somikhap, P.S-Narari Kala Khurd, District- Aurangabad.
6. Rajesh Yadav @ Rajesh Singh Son of Late Birendra Singh @ Birendra Yadav Resident of Village-Somikhap, P.S-Narari Kala Khurd, District- Aurangabad.
7. Paramjit Yadav @ Paramjeet Singh Son of Late Birendra Singh @ Birendra Yadav Resident of Village-Somikhap, P.S-Narari Kala Khurd, District- Aurangabad.
8. Prince Kumar Son of Sundar Singh @ Ram Sundar Yadav Resident of Village-Somikhap, P.S-Narari Kala Khurd, District-Aurangabad.
9. Bhim Yadav @ Bhim Kumar Son of Bhagwan Singh @ Bhagwan Das Yadav Resident of Village-Somikhap, P.S-Narari Kala Khurd, District- Aurangabad.
10. Krishna Singh Son of Late Rupnarayan Singh @ Narayan Singh Resident of Village-Somikhap, P.S-Narari Kala Khurd, District-Aurangabad.
11. Gulondra Kumar @ Kulendra Singh Son of Late Lakhan Singh Resident of Village-Somikhap, P.S-Narari Kala Khurd, District-Aurangabad.
12. Ramashish Yadav @ Ramashish Singh Son of Lakshman Singh @ Lakshman Yadav Resident of Village-Somikhap, P.S-Narari Kala Khurd, District-Aurangabad.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamlendra Pd. Singh



For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 05-11-2019 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 17.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with SC/ST P.S. Case No.06 of 2019 registered under Sections 147, 341, 323, 354, 379, 324, 448, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) (w) (i) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

13 named accused persons including the appellants are said to have intruded into the house of the informant and assaulted his family members. Samlesh Yadav snatched golden earring of Shakuntala Devi while Bakil Yadav and Subhash Yadav tore the blouse of Shakuntala Devi and Amit Yadav assaulted Priyanka Devi and snatched her ornaments.



It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant no.1 has lodged Narari Kala Khurd P.S. Case No.09 of 2019 against the son of the informant and others preceding to the case under hand and in order to save skin from the said case the informant has lodged this false and frivolous case against the appellants. None has sustained injury in the occurrence. There is inordinate delay of 11 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Aurangabad in connection with SC/ST P.S. Case



No.06 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
this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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