

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1252 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- SANHAULA District- Bhagalpur

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1. Basuki Yadav S/o Late Shaligram Yadav Resident of Village-Disarath, P.S.-Sanhaula, District-Bhagalpur.
 2. Surendra Kumar Yadav @ Surendra Ku Yadav S/o Basuki Yadav Resident of Village-Disarath, P.S.-Sanhaula, District-Bhagalpur.
 3. Bulbul Devi W/o Sajjan Yadav Resident of Village-Disarath, P.S.-Sanhaula, District-Bhagalpur.
 4. Bhagwan Yadav S/o Late Shakuni Yadav Resident of Village-Disarath, P.S.-Sanhaula, District-Bhagalpur. Appellants

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellants : Mr.Ranjan Kumar Jha, Advocate

For the Respondent : Mr.Sadanand Paswan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-09-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 15.02.2020 passed by learned Additional Sessions Judge – III cum Special Judge, Bhagalpur in a case registered for the offence punishable under Sections 379/34 and other allied sections of the IPC & u/s 3 (i) (r) (s)(w) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

The allegation against the appellants as per the First Information Report is that on 18.01.2020 at about 3 PM all the four appellants entered into the house of the informant, abused her and on protest, they assaulted her as well as her daughter Nitu Kumari by fist and slaps. Appellants snatched golden Mangalsutra from the neck of her daughter.

Learned counsel appearing for the appellants submits that the appellants have falsely been implicated in this case due to previous dispute which is also mentioned in the First Information Report. He submits that there is delay of three days in lodging this case without any explanation. He also



submits that the allegation against the appellants is vague and general and in the whole FIR there is no allegation of calling the caste name of the informant, as such, no offence under the SC/ST Act is made out against the appellants.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 15.02.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – III cum Special Judge Bhagalpur in Sanhaura Police Station Case No. 11/2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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