

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1496 of 2020**

Arising Out of PS. Case No.-438 Year-2019 Thana- ATRI District- Gaya

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1. Ashok Yadav @ Ashok Kumar , aged about 29 years (Male) S/O Late Ram Lakhan Yadav
  2. Bipin Yadav @ Bipin Kumar, aged about 28 years (Male), S/O Sukhdeo Yadav
  3. Mithlesh Yadav aged about 24 years ( Male ), S/O Jago Yadav
  4. Punpun Kumar, aged about 26 years ( Male ) S/O Shambhu Mistry
  5. Dharendra Kumar @ Dhiro Yadav, aged about 27 years (Male), S/O Late Prabhu Pahalwan
  6. Pintu Yadav , aged about 30 years ( Male ), S/O Rupali Yadav
  7. Bablu Kumar, aged about 28 years (male ) S/O Bachan Yadav
  8. Jayant Yadav, aged about 20 years ( male), S/O Feku Yadav
  9. Santosh Kumar @ Santosh Yadav, aged about 25 years ( Male), S/O Ram Lakhan Yadav
- All Resident of Village - Chandaila, P.S.- Atri, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Vikram Dev Singh, Advocate  
For the Respondent/s : Mrs.Usha Kumari 1 , Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      25-09-2020                      Heard Mr. Vikram Dev Singh , learned counsel for the appellants and Mrs. Usha Kumari No. 1, learned Additional Public Prosecutor appearing for the State through video conferencing.

The present appeal is directed against the order dated 26.02.2020 passed in A.B.P. No. 63 of 2020 ( arising out of Atri P.S. Case No. 438 of 2019 registered for the offence under



Section 147 , 148 , 149 , 323 , 341 , 326 , 307 , 504, 506 of the I.P.C. read with Section 3 (1) (r) (s) (u) of SC /ST Act ) by learned Exclusive Special Judge, SC / ST, Gaya whereby the prayer for anticipatory bail of the appellants has been rejected.

The allegation against the appellants as per the First Information Report is that while the informant along with one Sharwan Manjhi was going to the village -Pakari at about 6.30 P.M. on 16.09.2019 they were intercepted by 25-30 persons including the appellants, who caught them and asked them about their names and addresses. It has further been alleged that all the accused persons assaulted the informant and Sharwan Manjhi with lathi, danda, fists and slaps and abused them by calling their caste name and the informant and other received injuries on head and other body parts.

Learned counsel for the appellants submits that appellants have falsely been implicated in this case with oblique motive. Learned counsel further submits that the present F.I.R. is totally false, concocted and baseless inasmuch as the informant along with Sharwan Manjhi both were found committing theft of electric motor of appellant no. 9 - Santosh Kumar in the night of 16/17-09-2019 at 1.30 A.M. and both were caught and were assaulted by the villagers for which the



appellant no. 9 had lodged Atri P.S. Case No. 415 of 2019 on 17.09.2019 for the offences under section 379 , 411 of the I.P.C. against the informant and another and the present F.I.R. has been lodged with a view to create defence and by way of retaliation against the appellant no. 9 and other accused persons. Learned counsel further submits that the present F.I.R. has been lodged after an unexplained delay inasmuch as the alleged occurrence according to the informant had taken place on 16.09.2019 and the F.I.R. has been lodged on 25.09.2019 after the F.I.R. lodged by appellant no. 9 on 17.09.2019.

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 26.02.2020 passed in A.B.P. No. 63 of 2020 ( arising out of Atri P.S. Case No. 438 of 2019 ) by learned Exclusive Special Judge, SC / ST, Gaya 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 Exclusive Special Judge, SC / ST, Gaya / court



concerned in connection with Atri P.S. Case No. 438 of 2019 ,  
subject to the condition as laid down under Section 438 (2) of  
the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond  
all the parties shall follow the guidelines regarding lockdown  
and social distancing.

**(Anil Kumar Sinha, J)**

praful/-

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