

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1456 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- SC/ST District- Bhojpur

1. SHARWAN YADAV Son of Late Arun Kumar Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
2. Shiv Kumar Yadav Son of Late Rajdeyal Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
3. Ramashankar Yadav Son of Late Mangru Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
4. Tuntun Yadav Son of Late Ram Deyal Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
5. Kunmun Yadav Son of Late Ram Deyal Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
6. Pradeep Yadav Son of Parmatma Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
7. Dhanjee Yadav Son of Late Rama Shankar Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
8. Dinanath Yadav Son of Late Gauri Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.
9. Tarakant Yadav Son of Late Udeynath Yadav Resident of Village-Dhamawal, P.S.-Shahpur, District-Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2020 Heard Mr. Gopal Govind Mishra, learned counsel

for the appellants and Mr. Sadanand Paswan, learned Special

Public Prosecutor appearing for the State through video

conferencing.

This appeal has been preferred on behalf of the



appellants for setting aside the order dated 01.06.2020 passed by the learned Additional Sessions Judge-1st, Bhojpur, Ara, in connection with A.B.P. No. 615 of 2020 arising out of SC/ST P.S. Case No. 23 of 2020 registered for the offences punishable under Sections 3(i) (r) (s) (f)/3 (2) (va) of SC/ST Act 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 when the wife of the informant was going towards her house, she was intercepted by the appellant No.1. He assaulted her by means of *danda*, on account of which, she fell down. It is further alleged that when the informant came to rescue his wife on her crying, appellant No. 1 abused him by taking his caste name. Thereafter all the appellants came and entered into the house of the informant. They assaulted the mother, children and wife of the informant and called their caste name.

Learned counsel for the appellants submits that both the parties are co-villagers and there was dispute between them regarding a passage. Learned counsel further submits that there is case and counter case between the parties inasmuch as Shahpur P.S. Case No. 86 of 2020 has been lodged by the



appellant Ramashankar Yadav (appellant No. 3) for an occurrence which has taken place on the same date and time. Learned counsel further submits that from perusal of the First Information Report it would be evident that there is no allegation of abuse of the informant by calling his caste name with intention to humiliate the informant in a full public view.

Having regard to the submissions made by the parties and taking into consideration the materials on record, this appeal is allowed and the impugned order dated 01.06.2020 passed by the learned Additional Sessions Judge-1st, Bhojpur, Ara, in connection with A.B.P. No. 615 of 2020 arising out of SC/ST P.S. Case No. 23 of 2020 is hereby set aside.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today by the appellants, above named, they shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Bhojpur, Ara, in connection with A.B.P. No. 615 of 2020 arising out of SC/ST P.S. Case No. 23 of 2020, 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 bails



bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

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