

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1557 of 2020

Arising Out of PS. Case No.-401 Year-2019 Thana- TEKARI District- Gaya

1. BADAN YADAV @ BADAN @ RAMJIDHARI Son of Late Banshi Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
2. Upendra Yadav @ Nityanand Kumar Son of Panda Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
3. Chhotan Yadav @ Chhotan Kumar Son of Late Banshi Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
4. Pintu Kumar @ Pintu Yadav Son of Sadhu Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
5. Rintu Mistry Son of Late Hari Prasad Mistry Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
6. Rahul Singh Son of Bhola Singh Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
7. Bindeshwari Lal Mandal @ Bindeshwari Lal Son of Muneshwar Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
8. Ram Dayal Yadav Son of Late Lakhan Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
9. Ramesh Prasad @ Rama Yadav Son of Late Banshi Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
10. Kameshwar Yadav Son of Late Mugan Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
11. Sanjay Kumar @ Pappu Yadav Son of Late Radha Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
12. Nagendra Kumar @ Nagendra Yadav Son of Rajesh Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
13. Deo Kumar Yadav @ Deo Kumar Son of Late Chamru Yadav @ Chamur Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
14. Dhanraj Yadav @ Dhanju Yadav Son of Late Ganga Yadav @ Gang Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
15. Vikash Kumar @ Lalu Yadav Son of Ram Binay Yadav @ Binay Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.
16. Bindeshwar Yadav Son of Late Ramkeshwar Yadav Resident of Village-Amakuan, Police Station-Tekari, District-Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar



For the Respondent/s : Mr. Nityanand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Re. I.A. No. 1 of 2020

The present interlocutory application has been filed on behalf of the appellants for condoning the delay in filing the instant appeal.

For the reasons stated in paragraph nos. 3, 4 and 5 of the I.A. and the submissions made in support thereof, I.A. No. 1 of 2020 is allowed. The delay in filing the instant appeal is condoned.

Re. Cr. Appeal (SJ) No. 1557 of 2020

Learned counsel for the appellants seeks permission of the Court to withdraw the present appeal in respect of appellant no. 9 as he has been taken into judicial custody.

Permission is accorded.

The appeal is dismissed as withdrawn in respect of appellant no. 9.

Heard learned counsels for the parties.



The matter relates to grant of anticipatory bail to the appellants in connection with Tekari P.S. Case No. 401/2019 registered for the offences under Sections 147, 148, 149, 323, 307, 324, 379 of the Indian Penal Code and 3(1)(r)(s) of the SC/ST Act.

The prosecution case, in brief, is that while the informant was going with another person, the accused persons abused him taking his caste name and also assaulted him due to which he sustained injuries.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. There is a case and counter case between the parties. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. A free fight is alleged to have taken place. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances,



with regard to all appellants (except appellant no. 9), the order dated 25.01.2020 passed by learned Court of Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 14/2020 in connection with Tekari P.S. Case No. 401/19, is set aside. The criminal appeal is allowed.

Accordingly, the appellant nos. 1 to 16 (except appellant no. 9) , above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST, Gaya in connection with Tekari P.S. Case No. 401/19.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

