

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1655 of 2020

Arising Out of PS. Case No.-148 Year-2019 Thana- SC/ST District- Araria

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1. ARUN YADAV Son of Kheli Yadav Resident of Village - Khajpuri, P.S. - Bhargama, Dist. - Araria.
 2. Pawan Yadav @ Pawan Kumar Son of Permeshwari Yadav Resident of Village - Khajpuri, P.S. - Bhargama, Dist. - Araria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 14.02.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in a case registered for the offence punishable under Sections 341, 323, 354-B, 504, 379 and 506/34 of the Indian Penal Code and Section 3 (r) (i) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellant has been rejected.

As per the prosecution case, on 26.10.2019 at about 9:00 AM while the informant was going to take wheat and rice, these appellants dashed the informant by motorcycle due to which she fell down and sustained injury and on protest, these



appellants started abusing the informant by calling her caste name.

It is submitted on behalf of the appellants that no such occurrence has taken place as stated in the F.I.R. It is further submitted that falsity of the F.I.R. is apparent from the fact alone that though the alleged occurrence is said to have taken place on 26.10.2019 but the F.I.R. has been lodged on 05.11.2019 i.e., after a lapse of 10 days and there is no satisfactory explanation has been given for the same. It is further submitted that no offence under SC/ST Act is made out against the appellants. It is stated in paragraph no.3 of memo of the appeal that appellants have got clean antecedent.

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 14.02.2020 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 1st Additional Sessions Judge-cum-Special Judge,
Araria in Special (SC/ST) Case No. 244 of 2019 arising out of
Araria (SC/ST) Police Station Case No. 148 of 2019.

(Prabhat Kumar Singh, J)

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