

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1491 of 2020**

Arising Out of PS. Case No.-16 Year-2019 Thana- MADANPUR District- Aurangabad

1. SATYADEO YADAV @ MUNESHAR Son of Late Pravesh Yadav Residence of Village Sheo Rampur, P.S. Madanpur, District - Aurangabad.
2. Dharmendra Yadav Son of Sakal Yadav Residence of Village Sheo Rampur, P.S. Madanpur, District - Aurangabad.
3. Jeetendra Yadav Son of Sakal Yadav Residence of Village Sheo Rampur, P.S. Madanpur, District - Aurangabad.
4. Sikandar Yadav @ Sikandar Kumar Yadav Son of Sakal Yadav Residence of Village Sheo Rampur, P.S. Madanpur, District - Aurangabad.
5. Jeetendra Yadav S/O Ramlagan Yadav Residence of Village Haiderchak, P.S. Dhibra, District - Aurangabad.
6. Birendra Yadav Son of Late Bishundeo Yadav R/O Village Anjanwan, P.S. Madanpur, District Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Smt. Usha Kumari No.1, A.P.P.

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

2 29-09-2020 Heard Mr. Tribhuwan Narayan, learned counsel

for the appellants and Smt. Usha Kumari No.1, learned

Additional 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 03.01.2020
passed by the learned Additional District & Sessions Judge
cum Special Judge (SC/ST), Aurangabad, whereby the



prayer for anticipatory bail of the appellants in connection with ABP No. 1567 of 2019 arising out of Madanpur P.S. Case No. 16 of 2019 registered for the offences punishable under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code, Sections 3(1)(r), 3(1)s) and 3(2)(v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been rejected.

The prosecution story as per the First Information Report lodged by the informant Yugal Rikiyasan is that on 20.01.2019 when he along with other labourers was going towards the Livandh brick-kiln on a tractor, he was intercepted by the appellants. It has further been alleged that the appellants abused them by taking their caste name and tried to outrage the modesty of wife of the informant. They also snatched Rs.20,000/- cash from the pocket of the owner of the brick kiln.

Learned counsel for the appellants submits that there was rivalry between two owners of the brick kiln and the present First Information Report has been lodged by the informant at the behest of the brick kiln owner where the informant was working. Learned counsel further submits



that on perusal of the First Information Report, it would be evident that the appellants have not called the informant and other labourers by taking their caste name in public view. Learned counsel also submits that no *prima facie* offence under the SC/ST Act is made out upon perusal of the First Information Report. Learned counsel next submits that during course of investigation the Police had given the benefit of Section 41(A) of the Cr. P.C. to the appellants.

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 03.01.2020 passed by the learned Additional District & Sessions Judge cum Special Judge (SC/ST), Aurangabad, 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 District & Sessions Judge cum Special Judge (SC/ST), Aurangabad, in



connection with Madanpur P.S. Case No. 16 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 bails
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

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

