

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1591 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

1. RAMAYAN YADAV S/o Late Mishri Yadav Resident of Village- Beur, P.S.- Chainpur, District- Kaimur at Bhabua.
2. Bagrudal Yadav S/o Ramayan Yadav Resident of Village- Beur, P.S.- Chainpur, District- Kaimur at Bhabua.
3. Dharamdev Yadav S/o Late Mishri Yadav Resident of Village- Beur, P.S.- Chainpur, District- Kaimur at Bhabua.
4. Surendra Yadav S/o Dharamdev Yadav Resident of Village- Beur, P.S.- Chainpur, District- Kaimur at Bhabua.
5. Vimal Yadav S/o Dharamdev Yadav Resident of Village- Beur, P.S.- Chainpur, District- Kaimur at Bhabua.
6. Sarkar Yadav S/o Dharamdev Yadav Resident of Village- Beur, P.S.- Chainpur, District- Kaimur at Bhabua.
7. Nirmal Yadav S/o Dharamdev Yadav Resident of Village- Beur, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tribhuwan Narayan
For the State	:	Mr. Usha Kumari No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 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.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard the parties.



It has been submitted on behalf of the appellants that the present appeal is barred by limitation. It has further been submitted that due to Covid-19 lockdown, the present appeal could not be filed within time. He has further relied upon an order of the Hon'ble Supreme Court passed in ***SUO MOTU WRIT PETITION (CIVIL) No(s). 3 of 2020 under order dated 23-03-2020.***

In the light of the order of the Hon'ble Supreme Court as referred above, the delay in filing the appeal is condoned.

The matter relates to grant of anticipatory bail to the appellants in connection with SC/ST Bhabhua P.S. Case No. 17 of 2020 registered for the offences under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

Prosecution case in short is that on the alleged date of occurrence, the accused persons after having formed a common intention abused and assaulted the daughters of the informant. It is alleged that the incident happened on an issue of taking dung from the disputed area. It is further alleged that the accused persons deliberately insulted and humiliated the daughters of the informant by calling their caste name as they are members of schedule caste.

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. General and omnibus allegation has been made against the appellants. No specific



overt act is alleged against the appellants. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 03-06-2020 passed by learned Additional Sessions Judge-Ist-cum-Special Judge, Kaimur at Bhabua in SC/ST Bhabhua P.S. Case No. 17 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, 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-Ist-cum-Special Judge, Kaimur at Bhabua in connection with SC/ST Bhabhua P.S. Case No. 17 of 2020.

(Sudhir Singh, J)

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