

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1967 of 2020**

Arising Out of PS. Case No.-133 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

1. RAJESH YADAV S/o Ramashish Yadav
2. Ramashish Singh Yadav S/o Late Garib Singh
R/o Village-Lasara, P.S.-Ramgarh, District-Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan

For the Respondent/s : Mr. Usha Kumari No.1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 18-12-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 14.08.2020 passed by learned Additional District Sessions Judge 1st cum Special Judge Kaimur at Bhabhua, in connection with Ramgarh P.S. Case No. 133/2019 registered for the offences punishable under Sections 420/406/409/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 03.06.2019, informant transferred certain money in the account of Rajesh Yadav



through different cheques for the Panchayat work, but he did not perform the work. It is further alleged that when he demanded the money, appellants abused him by caste name.

It is submitted that wife of the informant is Mukhiya and present case has been lodged by the husband of the Mukhiya to put pressure on the appellants who are members of the Kriyawan Samittee of the Panchayat. It is further submitted that the entire case is false and fabricated and no case under SC/ST Act is made out as no time and place is given as to when the appellants abused him. Appellants have clean antecedents.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 14.08.2020 passed by learned Additional District & Sessions Judge 1st cum Special Judge Kaimur at Bhabhua, in connection with Ramgarh P.S. Case No. 133/2019 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 Additional District and Sessions Judge 1st
cum Special Judge Kaimur at Bhabhua in connection with
Ramgarh P.S. Case No. 133/2019.

(Prabhat Kumar Singh, J)

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