

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2057 of 2019

Arising Out of PS. Case No.-5 Year-2017 Thana- SC/ST District- Aurangabad

1. SH. RAJENDRA YADAV, aged about 55 years, son of Late Devki Yadav, resident of Chepathi, P.S.- Obra, District- Aurangabad.
2. Sh. Balwant Yadav, aged about 25 years, son of Late Sudama Yadav, resident of Chepathi, P.S.- Obra, District- Aurangabad.
3. Sh. Vikash Yadav, aged about 21 years, son of Jamun Yadav, Resident of Chepathi, P.S.- Obra, District- Aurangabad.
4. Sh. Vijendra Yadav, aged about 52 years, son of Late Devki Yadav, Resident of Chepathi, P.S.- Obra, District- Aurangabad.
5. Sh. Arjun Yadav, aged about 25 years, son of Devlakh Yadav @ Devlal Yadav Resident of Chepathi, P.S.- Obra, District- Aurangabad.
6. Sh. Anil Yadav, aged about 36 years, son of Rajendra Yadav, Resident of Chepathi, P.S.- Obra, District- Aurangabad.
7. Sh. Shashi Yadav, aged about 30 years, Son of Parmeshwar Yadav, Resident of Chepathi, P.S.- Obra, District- Aurangabad.
8. Sh. Golden Yadav @ Sumit Kumar, aged about 22 years, Son of Satyendra Yadav Resident of Chepathi, P.S.- Obra, District- Aurangabad.
9. Sh. Rakesh Yadav, aged about 20 years, Son of Udit Yadav, Resident of Chepathi, P.S.- Obra, District- Aurangabad.
10. Sh. Vinay Yadav, aged about 35 years, son of Ramdayal Yadav, Resident of Chepathi, P.S.- Obra, District- Aurangabad.
11. Sh. Manish Yadav, aged about 23 years, son of Vijay Yadav Resident of Chepathi, P.S.- Obra, District- Aurangabad.

... .. Appellants

Versus

1. The State of Bihar Bihar
2. Puran Paswan, aged about 60 years, s/o Late Ram Prasad Paswan, Resident of P.O.- Chepathi, P.S.- Obra, District- Aurangabad.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Puneet Siddharath, Advocate
For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 26-02-2020

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the order of refusal of prayer for anticipatory bail dated 09.02.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad, in connection with Aurangabad SC/ST P.S. Case No. 05 of 2017 registered under Sections 147/148/149/341/323/324/308/504 of the Indian Penal Code and under Sections 3(i)(r)/3(i)(s)/3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In view of the judgment of the Hon'ble Supreme Court in the case of *Prathvi Raj Chauhan vs. Union of India (Writ Petition (C) No.1016 of 2018)*, wherein the Hon'ble Supreme Court has revisited its earlier judgment rendered in the case of *Dr. Subhash Kashinath Mahajan vs. The State of Maharashtra & Anr.* reported in *(2018) 6 SCC 454* and circumscribed the area for delving and dwelling the facts for grant of anticipatory bail to the extent of making out *prima facie* case. In this case, now the situation is that after the investigation, the Police has filed the charge-sheet and the Court has taken cognizance.

In such view of the matter, this Court does not find any merit in this appeal. Accordingly, this appeal is dismissed.



However, if the petitioners surrender before the Court below within four weeks from today and pray for regular bail, the Court below will consider the same and pass appropriate order on the same day without being influenced by the order of this Court.

(Shivaji Pandey, J)

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