

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4013 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- BHABHUA District- Kaimur (Bhabhua)

1. SATENDRA YADAV, aged about 44 years, Male, Son of Late Sarbhu Yadav, Resident of Village - Sarangpur, P.S.- Bhabhua, District- Kaimur (Bhabhua)
2. Surendra Yadav, aged about 40 years, Male, Son of Late Sarbhu Yadav, Resident of Village - Sarangpur, P.S.- Bhabhua, District- Kaimur (Bhabhua)
3. Alagu Yadav, aged about 48 years, Male, Son of Late Sarbhu Yadav, Resident of Village - Sarangpur, P.S.- Bhabhua, District- Kaimur (Bhabhua)
4. Shankar Yadav, aged about 60 years, Male, Son of Late Devnath Yadav. Resident of Village - Sarangpur, P.S.- Bhabhua, District- Kaimur (Bhabhua)
5. Arun Yadav, aged about 22 years, Male, Son of Bhajan Yadav Resident of Village - Sarangpur, P.S.- Bhabhua, District- Kaimur (Bhabhua)

... Appellants

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellants	:	Mr. Ram Nath Singh Yadav, Adv.
For the Respondent	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 06-01-2020 Heard the learned counsel for the appellants and the learned Additional Public Prosecutor.

This criminal appeal is directed against the order, dated 19.07.2019, passed in ABP No. 618 of 2019, arising out of Bhabua P.S. Case No. 163 of 2019, registered under Sections 341, 323, 307, 504, 379 and 427/34 of the Indian Penal Code and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer of the pre-arrest bail of the appellants was refused.

The accusation is that on 21.03.2019, the informant,



Shivparsan Paswan, and others were going in village playing on the musical instruments. At that time, the people of Yadav community threw Naumi Paswan in the mud, but, anyhow the matter was pacified. In the evening the appellants, variously armed with weapon, came at the door of the informant and caused assaulted to his father and also took three attachees in which ornaments and cash worth Rs.25,000/- were kept and also taken the television.

Submission is that it is not detailed in the first information report that the appellants have abused the informant by denoting his caste name. In fact, Dharamsheela Devi, the wife of appellant no. 2, Surendra Yadav, has lodged Bhabua P.S. Case No. 162 of 2019 on 22.03.2019 against the informant and six others for the offence under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code and 37(1)(2) of the Bihar Prohibition and Excise Act, 2016, due to that reason the informant has lodged the present case for undue pressure.

Having regard to the facts and circumstances of the case, the impugned order, dated 19.07.2019, passed in ABP No. 618 of 2019, arising out of Bhabua P.S. Case No. 163 of 2019, is set aside the appeal is allowed.

Let the appellants, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Bhabua P.S. Case No. 163 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I-cum-Special Judge (SC/ST Act), Kaimur at Bhabhua, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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