

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4316 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- SC/ST District- Kaimur (Bhabua)

1. PIYUSH YADAV @ PIYUSH KUMAR Son of Birendra Yadav @ Birendra Singh Resident of Village- Daniyalpur- Kurai, P.S.- Mohania, District- Kaimur at Bhabua.
2. Birendra Yadav @ Birendra Singh Son of Devsharan Yadav Resident of Village- Daniyalpur- Kurai, P.S.- Mohania, District- Kaimur at Bhabua.
3. Yogendra Yadav @ Yogendra Singh Son of Devsharan Yadav Resident of Village- Daniyalpur- Kurai, P.S.- Mohania, District- Kaimur at Bhabua.
4. Anjani Devi Wife of Birendra Yadav @ Birendra Singh Resident of Village- Daniyalpur- Kurai, P.S.- Mohania, 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 : APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-01-2020 Appellants seek pre-arrest bail in connection with Bhabua SC/ST P.S. Case No. 79 of 2018 registered for the offences punishable under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code and Section 3 (i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per FIR allegation against appellant No.1 is that he dashed his motorcycle to the daughter of the informant and when she protested she was assaulted by fists and slaps. It is further alleged that other appellants also came there, abused her and also assaulted her by fists and slaps and appellant No.2 thrashed the informant on the ground and in front of the people assembled there they abused the



informant by taking caste name.

Submission of learned counsel for the appellants is that no case is made out under SC/ST Act and moreover occurrence took place with respect to dashing of the motorcycle and they have no intention to humiliate the informant and others. Further submission is that appellants have been given the benefit under Section 41(1) of Cr.P.C. and they have not misused the privilege of the same and now charge sheet has been submitted.

Heard learned counsel for the State, who has opposed the prayer for anticipatory bail of the appellants.

Having heard both sides and in the facts and circumstances, as stated above, this appeal is disposed of with direction to the appellants to surrender and pray for regular bail, which shall be considered on the basis of submission made above and also on the basis of the fact that they were granted the benefit under Section 41(1) Cr.P.C. and they have not misused the same and considering the same learned Special Judge shall dispose of the bail application of the appellants and, if possible, to be disposed of on the same day.

(Vinod Kumar Sinha, J)

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