

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4642 of 2019

Arising Out of PS. Case No.-372 Year-2019 Thana- DIGHA District- Patna

1. Shiv Shankar Yadav @ Shiv Shankar Prasad, Son of Late Ragho Rai Resident of Mohalla- Kurji More, P.S- Digha, District- Patna.
2. Rahul Yadav @ Sahil Kumar Yadav Son of Uday Kumar Yadav Resident of Mohalla-Kurji More, P.S-Digha, District-Patna.
3. Uday Yadav @ Uday Kumar Son of Shiv Shankar Yadav Resident of Mohalla-Kurji More, P.S-Digha, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashutosh Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 06-01-2020 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 30.08.2019 passed by learned Addl. Sessions Judge-XX-cum- Special Judge, SC/ST Act, Patna in connection with Digha P.S. Case No. 372 of 2019, registered under Sections 341, 323, 354, 504, 308 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Accusation is that for construction of the house, the sand was being carried loading on the vehicle by informant Rithik Kumar, but, in the way, due to negligence of the driver of



the vehicle, the door of the flour mill and electric wire damaged then informant asked to the appellants to get repair the door and electric wire, but appellants started to abuse to the mother of the informant denoting her caste. Thereafter, due to quarrel, villagers came then appellant and others with intention to kill started to cause assault.

Learned counsel appearing on behalf of appellants submits that, in fact, the vehicle loaded with sand of the informant damaged the flour mill and electric wire of the appellants then appellants went at the house of the informant and made request for repairing the same, but informant and his other family members misbehaved and caused assault to them regarding which Digha P.S. Case No. 371 of 2019 was instituted on 02.07.2019 against the informant and others due to that reasons only to put the pressure, the informant lodged the present case with false allegation.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl.



Sessions Judge-XX-cum-Special Judge, SC/ST Act, Patna in connection with Spl. Case No. 308 of 2019, arising out of Digha P.S. Case No. 372 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Rajendra Kumar Mishra, J)

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