

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1474 of 2021**

Arising Out of PS. Case No.-5 Year-2018 Thana- BHARGAMA District- Araria

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1. SUBODH YADAV Son of Bahadur Yadav Resident of Village - Raghunathpur South, Police Station - Bhargama, District - Araria.
  2. Bahadur Yadav Son of Late Shivdhari Yadav Resident of Village - Raghunathpur South, Police Station - Bhargama, District - Araria.
  3. Nirmala Devi Wife of Bahadur Yadav Resident of Village - Raghunathpur South, Police Station - Bhargama, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Mukesh Kumar Rana  
For the Respondent/s : Mr. A.G

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      01-11-2021                      Heard learned counsel for the appellants, learned  
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 18.12.2020 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Araria in ABP No. 1850 of 2020 whereby the prayer for bail of the appellants in connection with Special (SC/ST) Case No. 10 of 2018 arising out of Bhargama P.S. Case No. 05 of 2018 under Sections 341, 323, 354B, 379, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r) of the SC/ST Act was rejected.

It is alleged that when the informant demanded their



dues amount, the appellants hurled abuses upon the informant with her caste name. On protest raised by the informant, the appellant no. 1 and 2 tore her clothes and appellant no. 3 snatched her silver chain and Rs. 200 in cash and also tried to strangle her.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to trivial dispute. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration that during investigation, the allegations were found true and Prima facie cognizance has been taken against the appellants. Thus, in view of Section 18 of the Act, an application for grant of pre-arrest bail would not be maintainable, and thereafter vide order dated 18.12.2020, the learned 1<sup>st</sup> Additional Sessions Judge-cum-Spl. Judge, Araria has rejected the anticipatory bail of the appellants.

In view of the above, this Court does not find any infirmity or illegality in the order of learned Court below.

Accordingly, the appeal with regard to the appellants



for release the appellants on anticipatory bail is rejected.

However, if the appellant surrenders and prays for regular bail within a period of six weeks, the same shall be considered by the court below, without being prejudiced by the order of this Court.

With the aforesaid observation/direction, the appeal stands disposed off.

**(Sunil Kumar Panwar, J)**

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