

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1189 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- CHEWARA District- Sheikhpura

1. BIPIN YADAV @ FUTTU YADAV Son of Ramswarup Yadav Resident of Village- Chewara, P.S.- Chewara, District- Sheikhpura.
2. Nilam Devi W/o Ramswarup Yadav Resident of Village- Chewara, P.S.- Chewara, District- Sheikhpura.
3. Priyanka Kumari D/o Ramswarup Yadav Resident of Village- Chewara, P.S.- Chewara, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bipin Kumar, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-03-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants seeks permission to
withdraw the present appeal with regard to appellant No.1 as the
appellant No.1 has been taken into judicial custody.

Permission is accorded.

The appeal is dismissed as withdrawn with regard
to appellant No.1 only.

Now, the matter relates to grant of anticipatory bail
to the appellants No.2 and 3 in connection with a case registered
for the offences under Sections 341, 323, 324, 504, 506/34 of



the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants No.2 and 3 assaulted the informant and her husband by means of lathi, danda, hasua, due to which they sustained injury and the appellants also abused them by taking caste name.

It has been submitted on behalf of the appellants No.2 and 3 that the appellants No.2 and 3 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants No.2 and 3. The appellants No.2 and 3 have falsely been implicated in the present case. General and omnibus allegation has been made. The appellants No.2 and 3 are ladies. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants No.2 and 3 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.01.2021, passed by the 1st Additional District & Sessions Judge, Sheikhpura vide A.B.P. No.572 of 2020 in connection with Chewara P.S. case No.69 of 2020 (SC/ST Case



No.109 of 2020) is set aside with regard to appellants No.2 and 3. The criminal appeal is allowed with regard to appellants No.2 and 3 only.

Accordingly, the appellants No.2 and 3, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Chewara P.S. case No.69 of 2020 (SC/ST Case No.109 of 2020).

(Sudhir Singh, J)

Narendra/-

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