

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.256 of 2020**

Arising Out of PS. Case No.-16 Year-2018 Thana- SC/ST District- Samastipur

=====

MANTUN YADAV @ MANTUN YADAW Son of Late Ram Dev Yadav @
Ram Dev Yadaw Resident of Village- Kariyan, P.S.- Rosera, Distt-
Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Sujit Kumar Singh, Advocate

For the Respondent/s : Mr.Binay Krishna, Special P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 08-01-2021 Heard the learned counsel appearing for the appellants
and Shri Binay Krishna, learned Special P.P. for the State.

This is an appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 07.11.2019 passed by the learned 1st Additional Sessions Judge, Samastipur in Anticipatory Bail Petition No. 2738 of 2019 arising out of Samastipur SC/ST P.S. Case No. 16 of 2018 registered under Sections 147, 149, 341, 323, 354(B), 379, 504 and 506 of the Indian Penal Code and Sections 3(i) (e) (w) and 3 (2) (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.



The allegation is regarding scuffle having taken place in between the informant's side and the appellant herein as also other co-accused person on account of construction of Kharanja and the accused persons including the appellant herein are alleged to have abused and assaulted the informant.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having clean antecedent. The learned counsel for the appellant has further submitted that a general and omnibus allegation has been levelled against the appellant and moreover similarly situated co-accused persons have already been granted the privilege of anticipatory bail by an order dated 01.02.2019 passed in Criminal Appeal (SJ) No. 3856 of 2018.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions and taking into account the parity of the case of the appellant herein with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the appellant on anticipatory bail.



Accordingly, the appellant, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur in connection with Samastipur SC/ST P.S. Case No. 16 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 07.11.2019 passed by the learned 1st Additional Sessions Judge, Samastipur in Anticipatory Bail Petition No. 2738 of 2019 arising out of Samastipur SC/ST P.S. Case No. 16 of 2018, is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

