

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1256 of 2021

Arising Out of PS. Case No.-439 Year-2020 Thana- NARPATGANJ District- Araria

1. JAYBOLI YADAV S/O SINGHESHWAR YADAV R/O VILLAGE GARGAMA, P.S-NARPATGANJ, DISTRICT-ARARIA.
2. JAY PRAKASH YADAV S/O SINGHESHWAR YADAV R/O VILLAGE GARGAMA, P.S-NARPATGANJ, DISTRICT-ARARIA.
3. JAI KRISHNA YADAV S/O SINGHESHWAR YADAV R/O VILLAGE GARGAMA, P.S-NARPATGANJ, DISTRICT-ARARIA.

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mr. Bhola Prasad learned Advocate for the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

The application with respect to appellant no. 1 is sought to be withdrawn on account of his having been arrested during the pendency of this appeal.

The appeal with respect to appellant no. 1 is dismissed as withdrawn as having become infructuous.

The appellants no. 2 and 3 have challenged the order dated 17.12.2020 passed by the learned 1st Additional Sessions-cum-Special Judge, Araria in A.B.P. No. 1615 of 2020 arising out of Narpatganj P.S. Case No. 439 of 2020, whereby the prayer made on behalf of



the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act has been rejected.

The accusation against the appellants no. 2 and 3 is of having assaulted the members of the prosecution party.

Learned counsel for the appellants have stated that nothing specific has been attributed against them and the occurrence, on a plain reading of the FIR, would appear to have taken place because of a petty dispute. There is a counter version of the occurrence also. Some of the members of the prosecution party who have been injured in this case have received only simple injuries.

The accusation with respect to the SC/ST (Prevention of Atrocities), Act does not appear to be correct as the parties had fought over a petty dispute and it is quite understandable that in such dispute, the members of the warring factions become abusive. There was no intention, it has been argued, to demean the members of the prosecution party on account of their being of a particular caste. No offence under anyone of the Sections of SC/ST (Prevention of Atrocities), Act can at all be said to have been made out.

For the reasons aforesaid, the order dated



17.12.2020 is set aside.

The appeal is allowed.

On the appellants no. 2 and 3 surrendering before the court below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions-cum-Special Judge, Araria in A.B.P. No. 1615 of 2020 arising out of Narpatganj P.S. Case No. 439 of 2020.

(Ashutosh Kumar, J)

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