

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.289 of 2020

Arising Out of PS. Case No.-158 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Raj Kumar Yadav @ Munna Pahalwan @ Ram Kumar Yadav Son of Sawaru Yadav Resident of Village - Larma, P.S.- Durgawati, Dist.- Kaimur at Bhabua.
2. Mahendra Yadav Son of Sawaru Yadav Resident of Village - Larma, P.S.- Durgawati, Dist.- Kaimur at Bhabua.
3. Raj Bhawan Yadav Son of Sawaru Yadav Resident of Village - Larma, P.S.- Durgawati, Dist.- Kaimur at Bhabua.
4. Vinod Yadav Son of Ram Jee yadav Resident of Village - Larma, P.S.- Durgawati, Dist.- Kaimur at Bhabua.
5. Jai Prakash Yadav Son of Raj Bhawan Yadav Resident of Village - Larma, P.S.- Durgawati, Dist.- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tribhuwan Narayan
For the Respondent/s : Mrs.Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2021 Heard the learned counsel for the appellants and Mrs.
Usha Kumari 1, for the State.

This is an appeal under Section 14(A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 06.01.2020 passed by the learned Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabua in A.B.P. No. 1285 of 2019 arising out of Durgawati P.S. Case No. 158 of 2019 registered for the offence under Sections 341, 323, 354/34 of the Indian Penal Code and Sections 3(1) (r) (s) of the SC/ST (POA) Act whereby and



whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The allegation is regarding the buffalo of the informant having entered into the field of the accused persons, resulting in the accused persons having assaulted the buffalo and when the informant had protested, they had abused the informant as also had 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 a clean antecedent. It is further submitted that the name of witnesses have not been disclosed in the FIR, in whose presence, the appellants are stated to have abused the informant in public view, hence no offence is made out under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. It is further submitted that the present case arises out of case and counter case, the case filed by the appellant no.2 being first in time.

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 made by the learned counsel for the parties and taking into account the fact that a general and



omnibus allegation has been levelled against the appellants, the present case arises out of case and counter case, the case filed by the appellant no.2 being first in time, and further the informant has not disclosed the name of witnesses, in whose presence, the appellants are stated to have abused the informant by taking his caste name, I deem fit and proper to direct for release of the appellant on anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-1st cum Special Judge, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 158 of 2019, subject to the conditions as stipulated under section 438(2) Cr. P.C.

Consequently the impugned order dated 06.01.2020 passed in A.B.P. No. 1285 of 2019 by the learned Additional Sessions Judge-1st cum Special Judge, Kaimur at Bhabua is set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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

