

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.299 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- TEKARI District- Gaya

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1. BUBUN YADAV @ BABUN YADAV Son of Parshuram Yadav Resident of Village-Malsari, P.S.-Tekari, District-Gaya.
 2. Parshuram Yadav Son of Late Bajrangi Yadav Resident of Village-Malsari, P.S.-Tekari, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravindra Kumar Sinha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2021 Heard the learned counsel for the appellants and the learned Special P.P. 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 10.12.2019 passed by the learned Exclusive Special Judge, (SC/ST) Act, Gaya in Anticipatory Bail Petition No. 310 of 2019 in connection with Tekari P.S. Case No. 32 of 2019 registered under Sections 323, 341, 354, 387, 504/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) of the SC/ST Act,



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

At the outset, the learned counsel for the appellants seeks to withdraw the present appeal qua the appellant no. 1 since he has already been arrested.

Accordingly, the present appeal qua the appellant no. 1 stands dismissed as not pressed.

The allegation is regarding the appellants herein having arrived at the door of the house of the informant, whereafter, they had threatened him and had demanded a sum of Rs. 1,00,000/- as extortion money and they are stated to have abused the informant and his family members.

The learned counsel for the appellant no. 2 has submitted that the appellant no. 2 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled against the appellant no. 2.

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 appellant no. 2 and taking into account the fact that a general and omnibus allegation has been levelled against the appellant no. 2 and he is having a clean antecedent, I deem it fit and proper to admit the appellant no. 2 to the privilege of anticipatory bail.

Accordingly, the appellant no. 2, 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 Special Judge, (SC/ST) Act, Gaya in connection with Tekari P.S.Case No. 32 of 2019, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 10.12.2019 passed by the learned Exclusive Special Judge, (SC/ST) Act, Gaya in Anticipatory Bail Petition No. 310 of 2019 in connection with



Tekari P.S. Case No. 32 of 2019 is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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