

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1251 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

-
1. BITHAL YADAV Son of Late Phuleshwar Yadav Resident of Village -
Pranwati Lane, P.S. - Telkamanjhi, District - Bhagalpur.
 2. Manoj Yadav Son of Late Phuleshwar Yadav Resident of Village - Pranwati
Lane, P.S. - Telkamanjhi, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-08-2021 Heard Mr. Rajive Ranjan Singh, the learned Advocate
for the appellants and Mr. Binay Krishna, the learned Special
Public Prosecutor for the State.

The appellants have challenged the order dated
17.12.2020 passed by the learned Additional District &
Sessions Judge-IIInd-cum-Special Judge, (SC/ST Act),
Bhagalpur in connection with Kotwali (Telkamanjhi) P. S.
Case No.319 of 2020, instituted for the offences under
Sections 341, 323, 307, 379, 504, 506/ 34 of the Indian
Penal Code, Section 37(c) of the Bihar Prohibition and
Excise Act and Section 3(1)(r)(s) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act, 1989,



whereby their prayer for grant of anticipatory bail has been rejected.

By order dated 02.07.2021, the case diary was called for in this case.

Many persons have been named in the F.I.R. who are alleged to have assaulted the informant out of road rage. Nothing specific has been attributed against the appellants. They stay in the same lane as that of the informant.

Apart from this, it has been submitted that out of six injuries on the person of the informant, five have been found to be simple in nature whereas for the sixth injury, opinion has been reserved awaiting the X-ray report.

The learned Advocate for the appellants has submitted that some of the other accused persons of this case have been granted bail by the Court below.

Regard being had to the afore-stated facts and taking into account that there is no accusation attracting the mischief of the SC/ST (P.O.A.) Act, the order dated 17.12.2020 is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a



period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IInd-cum-Special Judge, Excise Act, Bhagalpur in connection with Kotwali (Telkamanjhi) P. S. Case No.319 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

vikash/-

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

