

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1358 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- GAYA MUFASIL District- Gaya

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1. CHHOTAN YADAV @ SARVESH KUMAR Son of Baldeo yadav Resident of Village - Bulla Shahid Jagjiban College, Manpur, P.S.- Manpur, Dist.- Gaya.
 2. MUKESH YADAV @ MUKESH KUMAR Son of Ram Chandra Yadav Resident of Village - Bulla Shahid Jagjiban College, Manpur, P.S.- Manpur, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. MANORMA DEVI W/o Bindu Kumar Resident of Village - Bulla Shahid Jagjiban College, Manpur, P.S.- Manpur, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The appellants have challenged the order dated 04.01.2021 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 227/2020 in connection with Muffasil P.S. Case No. 331/2020 registered for the offences under sections 448, 385, 504, 506, 354/34 of the Indian Penal Code and 3(i)(b)



(f)(r)(s) of SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons have locked the shop of the informant and demanded extortion. They accused persons also abused the informant by taking caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. Neither the date of occurrence nor the time of occurrence has been mentioned in the F.I.R. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 04.01.2021 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 227/2020 in connection with Muffasil P.S. Case No. 331/2020, is set aside.

The appeal stands allowed.



Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 331/2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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