

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1387 of 2021

Arising Out of PS. Case No.-50 Year-2018 Thana- SC/ST District- Gopalganj

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1. HARDEV YADAV @ RAMAJI YADAV @ HAREDEV YADAV SON OF RAM PRASAD YADAV RESIDENT OF VILLAGE- GAUSIYA BALUA TOLA, P.S. MAJHAGARH DIST- GOPALGANJ
 2. RAM PRASAD YADAV SON OF NANDA YADAV @ NANDH YADAV RESIDENT OF VILLAGE- GAUSIYA BALUA TOLA, P.S. MAJHAGARH, DIST- GOPALGANJ
 3. SURENDRA YADAV SON OF RAM PRASAD YADAV RESIDENT OF VILLAGE- GAUSIYA BALUA TOLA, P.S- MAJHAGARH DIST- GOPALGANJ

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satyendra Rai
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 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.

The appellants have challenged the order dated 21.03.2020 passed by learned 1st Additional Sessions Judge, Gopalganj in ABP No. 534/2020 in connection with Gopalganj SC/ST P.S. Case No. 50/2018 registered for the offences under sections 147, 149, 323, 341, 379 of the Indian Penal Code and



3(i)(a)(r)(g) of SC/ST 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 spitted on the face of the informant and pushed on ground, torn her clothes and also abused 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. No deadly weapon is said to have been used in course of the occurrence. The alleged date of occurrence is 17.10.2018 for which the case was instituted on 27.10.2018. The delay has not been explained by the prosecution. 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, this Court is inclined to set aside the order dated 21.03.2020 passed by learned 1st Additional Sessions Judge, Gopalganj in ABP No. 534/2020 in connection with Gopalganj SC/ST P.S. Case No. 50/2018 by which the anticipatory bail of the



appellants was rejected.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 50/2018.

The appeal stands allowed.

(Sudhir Singh, J)

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