

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.288 of 2020**

Arising Out of PS. Case No.-38 Year-2019 Thana- SC/ST District- Sheikhpura

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NARESH YADAV @ BYAS JEE Son of Prasadi Yadav Resident of Village-  
Barni, P.S.- Kassar (O.P.), District- Sheikhpura.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Bipin Kumar  
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

4      08-01-2021                      Heard the learned counsel for the appellants  
  
and Sri Usha Kumari no. 1, the learned Spl.P.P. for the  
  
State.

The present appeal has been preferred under  
Section 14(A)(2) of the Scheduled Castes and Scheduled  
Tribes (Prevention of Atrocities) Act, 1989 (hereinafter  
referred to as “the Act, 1989”) against the refusal of prayer  
of anticipatory bail vide order dated 10.01.2020, passed by  
the learned 1<sup>st</sup> Additional District and Sessions Judge,  
Sheikhpura in anticipatory bail petition no. 20 of 2020,  
arising out of Sheikhpura PS case no. 38 of 2019 under  
Sections 341, 323, 447, 504, 506/34 of Indian Penal Code  
and 3(1)(r)(s)/3(3)(va) of the Act, 1989.



The informant is stated to have gone to collect Badam crop from his field when the accused persons including the appellant herein had arrived there, armed with sticks and rods and are stated to have abused the informant as also are alleged to have assaulted him.

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. The learned counsel for the appellant has further submitted that a general and omnibus allegation has been levelled against the appellant and the co-accused person who is alleged to have taken the caste specific name, have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2020, passed in Cr. Appeal (SJ) no. 342 of 2020.

*Per contra*, the learned Spl.PP 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 materials available in the case diary, I find that miniscule evidence is



available *qua* the appellant herein, apart from the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, hence considering the parity of the case of the appellant with that of the co-accused persons who have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail. Accordingly, let the abovenamed appellant, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional District and Sessions Judge, Sheikhpura in connection with Sheikhpura PS case no. 38 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

Accordingly, the impugned order dated 10.01.2019 passed by the court of learned 1<sup>st</sup> Additional District and Sessions Judge, Sheikhpura in connection with



Sheikhpura PS case no. 38 of 2019 is hereby set aside.

The appeal stands allowed.

**(Mohit Kumar Shah, J)**

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