

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1397 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- BARACHATTI District- Gaya

1. RAMBALI YADAV @ GODO YADAV Son of Bhuneshwar Yadav @ Budheshwar Yadav Resident of Village- Dema Tola, Pathara, Police station - Barachatti, District - Gaya.
2. BINOD YADAV Son of Maheshwar Yadav Resident of Village- Dema Tola, Pathara, Police station - Barachatti, District - Gaya.
3. GYANI YADAV @ PURN YADAV Son of Hari Yadav Resident of Village- Dema Tola, Pathara, Police station - Barachatti, District - Gaya.
4. SARJU YADAV Son of Prayag Yadav Resident of Village- Dema Tola, Pathara, Police station - Barachatti, District - Gaya.
5. BIJAY KUMAR @ BIJAY YADAV Son of Prayag Yadav Resident of Village- Dema Tola, Pathara, Police station - Barachatti, District - Gaya.
6. DINESH KUMAR YADAV @ DINESH YADAV Son of Baleshwar Yadav Resident of Village- Dema Tola, Pathara, Police station - Barachatti, District - Gaya.
7. BALESHWAR YADAV Son of Madan Yadav Resident of Village- Dema Tola, Pathara, Police station - Barachatti, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual mode.

Learned counsel for the appellants submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by the Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.



Considering the submissions made on behalf of learned counsel for the appellants, the limitation, as pointed out by the office, is condoned.

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 31.08.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 124 of 2020 in connection with Barachatti (Mohanpur) P.S. Case No. 188 of 2020 registered for the offences under sections 341, 323, 354,, 504/34 of the Indian Penal Code and 3(i)(r)(s) of the 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 on trivial issue, the accused persons abused the informant by taking her caste name. The family members came in rescue were also assaulted by the accused persons.

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. General and omnibus allegation has been made against the appellants No specific overt act is alleged against the appellants. No grievous injury is said to have been caused by the appellants on the victim. The alleged occurrence has not 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 31.08.2020 passed by learned Exclusive Special Judge, Excise, SC/ST, Gaya in ABP No. 124 of 2020 in connection with Barachatti (Mohanpur) P.S. Case No. 188 of 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 Barachatti (Mohanpur) P.S. Case No. 188 of 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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