

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.496 of 2020

Arising Out of PS. Case No.-416 Year-2019 Thana- KHAJEKALA District- Patna

SACHIN KUMAR @ TUNNI Son of Bhim Singh @ Bhim Prasad Yadav,
Resident of Mohalla-Ranipur, Adda, Police Station-Mehdiganj, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyamal Prakash
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-02-2021 Heard learned counsel for the appellant and learned
Special P.P.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 23.12.2019 passed by the learned Special Judge, SC/ST Act, Patna by which the learned Special Judge refused to grant anticipatory bail to the appellant in Khajekalan P.S. Case No.416 of 2019 registered under Sections 147, 148, 149, 341, 323, 448, 379, 504, 354, 506 of the I.P.C and under Section 3(1)(r) & 2(va) of the SC/ST Act.

The informant alleged that the appellant and others picked up a quarrel with one Shiv Nath Prasad (statue maker) and when Shiv Nath Prasad fled and took shelter in the house of the informant, all the accused persons including the appellant followed him inside the house of the informant and the accused



persons assaulted the informant and her husband when they tried to save Shiv Nath Prasad.

Learned counsel for the appellant submits that no occurrence as alleged took place. In fact, some dispute arose between the children of two families. The occurrence took place inside the house and not at any public place. Therefore, no offence under any sections of the SC/ST Act is made out. Similarly situated co-accused, namely, Vivek Yadav @ Bibek Yadav and Vikash Yadav @ Bikash Yadav have been granted anticipatory bail vide order dated 15.01.2021 passed in Cr. Appeal (SJ) No.626 of 2020 and, therefore, the appellant also deserves same treatment.

Learned Special P.P. did not dispute this fact.

Having considered the facts and the submissions made by both sides and the fact that similarly situated two accused persons have been granted anticipatory bail, the appellant above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge



VIII-cum-Special Judge, SC/ST Act, Patna in connection with
A.B.P. No.9879 of 2019 arising out of Khajekalan P.S. Case
No.416 of 2019.

Accordingly, the order dated 23.12.2019 is set aside.
The appeal is allowed.

(Prabhat Kumar Jha, J)

Harish/-

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

