

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.626 of 2020

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

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1. Vivek Yadav @ Bibek Yadav age 21 years Son of Vijay Yadav @ Bijay Yadav Resident of Mohalla - Ranipur Adda Par, Mehandiganj, Distt - Patna.
 2. Vikash Yadav @ Bikash Yadav age 25 years Son of Vijay Yadav @ Bijay Yadav, both Resident of Mohalla - Ranipur Adda Par, Mehandiganj, Distt - Patna.

... .. Appellants

Versus

1. The State of Bihar
2. Chinta Devi Wife of Vinod Das, Resident of Chandra Maharaj Ka Gadh, Nun Ka Chauraha, P.O. - Jhauganj, P.S.- Khajekal, Distt - Patna.

... .. Respondents

Appearance :

For the Appellants : Nirmala Kumari, Advocate
For the Respondents : Mr.Binay Krishna, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-01-2021 Heard learned counsel for the parties.

The present appeal is directed against the order dated 23.11.2019, passed by learned Additional Sessions Judge –XX cum Special Judge, SC/ST Act, Patna in a case registered for the offence punishable under Sections 379/506 and other allied sections of the Indian Penal Code and Sections 3 (1) (r) & 2(va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, on 4.10.2019 at 9.30 PM, all the FIR named accused persons including the appellants, came to the place of one Shivnath Prasad and tried to take the



statue. In the meantime, altercation took place and said Shivrath Prasad ran into the house of the informant to save his life. Informant protested on which appellants and other accused persons abused and assaulted the informant and her family members by calling his caste name and snatched her golden chain also. Informant has further stated that her son had assaulted appellant no.2 who had threatened them of dire consequences.

Learned counsel for the appellants submits that there is general and omnibus allegation against the appellants and due to dispute between the children of both families marpit took place. No offence under the SC/ST Act is made out against the appellants as the occurrence took place in the house of the informant. Appellants have got no criminal antecedent.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 23.11.2019 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within eight



weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XX cum Special Judge, SC/ST Act, Patna in Special Case No. 487 of 2019, Khajekala Police Station Case No. 416 of 2019.

(Prabhat Kumar Singh, J)

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