

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.623 of 2020

Arising Out of PS. Case No.-40 Year-2019 Thana- SC/ST District- Siwan

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1. Raj Kumar Yadav @ Raj Kumar S/O Surendra Chaudhary Resident of Village - Sarsar, P.S.- Siwan Muffasil, District- Siwan
 2. Birendra Kumar Yadav @ Birendra Kumar S/O- Rajendra Chaudhary Resident of Village - Sarsar, P.S.- Siwan Muffasil, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Kant, Advocate

For the Respondent/s : Mr. Jitendra Kumar Singh, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 15-03-2021 Heard learned counsel for the appellants and learned Spl. PP for the State.

The instant appeal has been preferred by the two appellants against the order dated 14.1.2020 passed in ABP no. 2519 of 2019 arising out of Siwan SC/ST P.S. Case no. 40 of 2019 registered under sections 323, 324, 341, 448, 504 and 506 of the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(va) of the SC and ST (POA) Act whereby the learned Additional Sessions Judge 1st-cum Special Court, Siwan rejected the prayer for anticipatory bail of the appellants and for grant of anticipatory bail to the appellants.

As per allegation in the FIR, the accused persons



including the two appellants herein brutally assaulted the son of the informant Kundan Kumar as a result of which he sustained injuries on his nose and was being treated at different hospitals.

It is submitted by learned counsel for the two appellants that the allegations as levelled in the FIR are false and have been made for oblique reasons. It is further submitted that for an alleged occurrence said to have taken place on 7.10.2019, the same was reported to the police station after an unexplained delay of 19 days. The so-called injuries have been found to be simple in nature and the appellants have no criminal antecedent.

The prayer for bail is opposed by learned Spl. PP for the State.

Having heard learned counsel for the parties and taking into consideration the delay of 19 days in lodging of the FIR together with the nature of injuries, the order dated 14.1.2020 passed in ABP no. 2519 of 2019 arising out of Siwan SC/ST P.S. Case no. 40 of 2019 by the learned Additional Sessions Judge 1st-cum Special Court, Siwan is hereby set aside so far as appellants Raj Kumar Yadav @ Raj Kumar and Birendra Kumar Yadav @ Birendra Kumar are concerned and the appeal is allowed. The above two appellants are directed to surrender in the Court below within a period of six weeks from today and in



the event of their arrest or surrender in connection with Siwan SC/ST P.S. Case no. 40 of 2019 they will be enlarged on bail on each of them furnishing bail bond of Rs. 25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum Special Court, Siwan.

(Partha Sarthy, J)

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