

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1772 of 2021

Arising Out of PS. Case No.-74 Year-2019 Thana- SC/ST District- Rohtas

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1. Ishwar Chandra Yadav @ Ishwar Singh, S/O Ramleela Yadav
 2. Shiv Basant Yadav @ Basant Yadav, S/O Late Harihar Yadav
 3. Shyam Sundar Yadav, S/O Rameshwar Yadav
 4. Ravindar Kumar @ Ravindra Yadav, S/O Rameshwar Yadav
 5. Govind Yadav, S/O Basawan Yadav
 6. Arvind Kumar @ Arvind Yadav, S/O Bhaiya Ram Yadav
 7. Rajbali Yadav, S/O Lal Chandra Yadav

All are R/O Village- Dahiyari, P.S.- Karakat (Gorari), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mithilesh Kumar Singh, Adv.

For the Respondent/s : Mr./Ms. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 09-07-2021 Heard Mr. Mithilesh Kumar Singh, the learned

Advocate for the appellants and the learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated

23.11.2020 passed by the learned 1st Addl. Sessions



Judge, Rohtas at Sasaram in connection with Registered Case No. 228 of 2019 arising out of SC/ST Dehri P.S. Case No. 74 of 2019, instituted for the offences under Sections 147, 148, 149, 341, 323, 354(b), 452, 379, 504 and 506/34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

From the prosecution version, it appears that one of the accused persons of this case in an inebriated state assaulted the son of the informant. When a protest was made, all the other accused persons assaulted the members of the prosecution party.

It has been submitted on behalf of the appellants that the occurrence took place on 30.10.2019 but the F.I.R. has been registered on 02.11.2019. On the same day of the occurrence, the appellant No. 3 is said to have filed a case about which reference has been made in this *memo* of appeal. It has further been submitted that as per the F.I.R., three persons are said



to have been injured in the occurrence; two out of whom have received only simple injuries. The third person has received one simple injury and a grievous injury; but the grievous injury has been found on the metacarpal bone. The dimensions of that injury also does not depict that it could be life threatening. Apart from this, it has been submitted that the occurrence arose out of a small dispute and the accusation with respect to demeaning the members of a particular community is not at all correct but is motivated.

Regard being had to the aforesaid submissions, the order dated 23.11.2020, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Rohtas at Sasaram in



connection with Registered Case No. 228 of 2019 arising
out of SC/ST Dehri P.S. Case No. 74 of 2019, subject to
the conditions laid down under Section 438(2) of the
Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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