

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.695 of 2020**

Arising Out of PS. Case No.-103 Year-2017 Thana- KUTUMBA District- Aurangabad

1. SAHENDRA YADAV Son of Bhupal Yadav
2. Bosh Yadav @ Bosh Kumar Son of Shendra Yadav  
Both Resident of Village-Labhari Bigaha, P.S.-Kutumba, District-  
Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Bachan Jee Ojha, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      05-03-2021                      Heard both sides.

The appellants filed this appeal under Section 14(A) (2) of the S.C./S.T. Act against the order dated 07.09.2017 passed by learned A.D.J. I-cum-Special Judge(SC/ST) Act, Aurangabad by which the anticipatory bail of the appellants has been rejected in Kutumba P.S. Case No.103 of 2017 registered under Sections 147, 149, 342, 323, 337, 307, 332, 353, 224 and 506 of the Indian Penal Code and under Section 3 of the S.C./S.T. Act.

The learned counsel for the appellants submits that the informant is a police officer and he belongs to Schedule Caste. He was on official duty and he alleged that he went to



arrest one Ranjit Yadav but on alarm made by mother of Ranjit Yadav, villagers came and protested the arrest of Ranjit Yadav. It is submitted that no offence under the S.C./S.T. Act is made out as the police officer was on official duty and the villagers made peaceful protest against the illegal action of the police. For that, such police official cannot resort to the special provision of S.C./S.T. Act. It is further submitted that many of the accused persons have already been granted anticipatory bail by Co-ordinate Benches of this Court vide order passed in Cr. Appeal(SJ) No.3334 of 2017, Cr. Appeal(SJ) No.3596 of 2017 and Cr. Appeal(SJ) No.3006 of 2017. The case of the appellants stands on the same footing.

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

Taking into consideration the facts aforesaid and the fact that similarly situated other accused persons have already been granted anticipatory bail, the appeal is allowed, the order dated 07.09.2017 is set aside and let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. I-cum-Special Judge(SC/ST) Act, Aurangabad in connection with



Kutumba P.S. Case No.103 of 2017, subject to the conditions as  
laid down under Section 438(2) of the Code of Criminal  
Procedure.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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