

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1757 of 2021

Arising Out of PS. Case No.-221 Year-2020 Thana- HASPURA District- Aurangabad

SHRIMAN YADAV @ SHRIMAN SINGH, Son of Jagdish Singh @ Jagdish
Yadav Resident of Village - Nanhubigha P.S. - Haspura, District - Aurangabad
(Bihar).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhilesh Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2021 Heard Mr. Bachan Jee Ojha, learned Advocate

for the appellant and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellant has challenged the order, dated
20.01.2021, passed by the learned A.D.J. 1st cum –
Special Judge (SC/ST) Act, Aurangabad, in connection
with ABP No. 97 of 2021, arising out of Haspura P. S.
Case No. 221 of 2020, whereby the prayer made on
behalf of the appellant for grant of anticipatory bail for
the offences punishable under Sections 147, 148, 149,
341, 342, 302 and 504 of the Indian Penal Code and



Sections 3(1)(r)(s) and 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It appears from the F.I.R. that the son of the informant was assaulted and handed over to the police. Because of the assault, he had become injured and ultimately he succumbed to the injuries in the hospital.

The learned counsel for the appellant has submitted that from the bare perusal of the F.I.R. itself, it would appear that the deceased was caught by Om Prakash Yadav and Laxman Yadav. The accusation of assault is on all the accused persons. The accusation against the appellant, therefore, is absolutely general and omnibus. The reason for the son of the informant being caught by the villagers is that he was found stealing in the house of one Ramjee Yadav. When Om Prakash raised alarm, many villagers arrived and caught hold of the son of the informant (deceased) and assaulted him. Unfortunately, the deceased succumbed



to the injuries.

The appellant has been made accused in this case only on the basis of information provided to the informant that he had also participated in the occurrence.

The learned counsel for the appellant has submitted that he is an old man and has been suspected of participating in the occurrence only because he is the villager of aforesaid Om Prakash.

The learned Advocate for the appellant, therefore, submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out.

Regard being had to the afore-stated facts, the order dated 20.01.2021, passed by the learned A.D.J. 1st cum – Special Judge (SC/ST) Act, Aurangabad , is set aside.

The appeal stands allowed.

The appellant, above-named, is directed to be



released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st cum - Special Judge (SC/ST) Act, Aurangabad in connection with Haspura P. S. Case No. 221 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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