

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1827 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- DELHA District- Gaya

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1. Bipin Kumar Yadav @ Bipin Kumar S/O Binod Yadav R/O Mohalla-Bageshwari, P.S.- Delha, District- Gaya
 2. Binod Yadav @ Binod Prasad Yadav S/O Rohan Yadav R/O Mohalla-Bageshwari, P.S.- Delha, District- Gaya
 3. Pramod Yadav S/O Rohan Yadav R/O Mohalla- Bageshwari, P.S.- Delha, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Avinash Kumar Singh- Advocate
For the Informant	:	Mr. Mrigendra Kumar- Advocate
For the Respondent/s	:	Mr. Sadanand Paswan- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-07-2021 Heard Mr. Avinash Kumar Singh, the learned Advocate for the appellants, Mr. Mrigendra Kumar, the learned Advocate for the informant and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 18.01.2021 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Delha P. S. Case No.249 of 2020, instituted for the offences under Sections 147, 148, 149, 447, 448, 323, 504, 354, 506 and 379 of the Indian Penal Code and Sections 3(i)(r)(s)/ 2(va) of the Scheduled Castes & Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

An F.I.R. after seven days of the occurrence has been lodged by the informant alleging that 14 persons including the appellants came to her house and misbehaved with her.

The learned Advocate for the appellants has submitted that there is a dispute with respect to drainage of water and deliberately the appellants have been made accused in this case after seven days of the alleged occurrence.

The accusation under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act are not made out as admittedly the entire occurrence took place in the house of the informant and that the accusations are highly exaggerated.

For the reasons afore-stated, the order dated 18.01.2021, referred to above, is set-aside.

The appeal stands allowed.

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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Delha P. S. Case No.249 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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