

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.869 of 2020

Arising Out of PS. Case No.-124 Year-2017 Thana- BELDOUR District- Khagaria

1. RANJAN YADAV Son of Satru Yadav Resident of Village - Pachadh, P.S.- Beldaur, Distt - Khagaria.
2. Navin Yadav Son of Prakash Yadav Resident of Village - Pachadh, P.S.- Beldaur, Distt - Khagaria.
3. Sharveen Yadav Son of Prakash Yadav Resident of Village - Pachadh, P.S.- Beldaur, Distt - Khagaria.
4. Santosh Jha Son of Umakant Jha Resident of Village - Pachadh, P.S.- Beldaur, Distt - Khagaria.
5. Ravindra Yadav Son of Ramdham Yadav Resident of Village - Pachadh, P.S.- Beldaur, Distt - Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lakshmi Kant Tiwary, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 24-03-2021 Heard Mr. Lakshmi Kant Tiwary, learned counsel for
the appellants and Mr. Sadanand Paswan, learned Spl. P.P.

The appellants filed this appeal under Section 14A(2) of the SC/ST Act against the order dated 07.09.2019 passed in A.B.A. (SC/ST) No. 34/2019 by the learned 1st Addl. Sessions Judge, Khagaria, by which learned Special Judge rejected the anticipatory bail petition of the appellants in Beldaur P.S. Case No. 124/2017 registered under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST



Act, on the ground that anticipatory bail petition is not maintainable.

Learned counsel for the appellants submits that informant named altogether 11 persons and alleged that they all having armed with wooden stick came to his *Darwaja* and started abusing. On protest, Navin Yadav and Ranjan Yadav assaulted the informant with stick on his head. When Prakash Ram came to save, on the order of Santosh Yadav, Ranjan Yadav and Sarvin Yadav assaulted him on his head. Thereafter, all the accused persons set ablaze to the house of Manoj Ram.

Learned counsel for the appellants submits that all the offences, alleged under the Sections of Indian Penal Code, are bailable except Section 379 of the Indian Penal Code. There is a counter version being Complaint Case No. 638(c)/2017. It is further submitted that many of the accused persons, namely, Sanjiv Yadav, Indal Yadav, Pato Yadav, Gajo Yadav, Sanjo Yadav and Nitish Yadav have already been granted regular bail by the learned Special Judge, vide order dated 08.08.2019. The allegation of abusing the informant and others are omnibus and general and therefore, the appellants need similar treatment.

Mr. Sadanand Paswan, learned Spl. P.P. did not dispute the facts.



Having considered the facts and submissions of both sides I find that since Sanjiv Yadav, Indal Yadav, Pato Yadav, Gajo Yadav, Sanjo Yadav and Nitish Yadav have already been enlarged on regular bail, the appellants may surrender in the court below within four weeks from the date of receipt/production of copy of this order and the learned Special Judge shall dispose of the regular bail petition of the appellants taking into consideration the facts that other accused persons have already been enlarged on regular bail and shall dispose of the bail petition of the appellants on the same day.

With the aforesaid submissions, the appeal is disposed of.

(Prabhat Kumar Jha, J)

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