

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.922 of 2020

Arising Out of PS. Case No.-185 Year-2017 Thana- EKMA District- Saran

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1. Prem Kumar Yadav, aged about 25 years, Sex-Male, Son of Sharvan Yadav, Resident of Village-Aamdarhi Marwat, Police Station-Ekma, District-Saran at Chapra.
 2. Saroj Kumar Yadav, aged about 26 years, Sex-Male, Son of Jai Kishun Yadav, Resident of Village-Aamdarhi Marwat, Police Station-Ekma, District - Saran at Chapra.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr.Narendra Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-03-2021 Re. I.A. No. 01 of 2021.

The aforesaid Interlocutory Application has been filed on behalf of the appellants for condonation of delay of 82 days in filing the present Criminal Appeal (SJ) No. 922 of 2020.

On the grounds mentioned in the aforesaid application, I.A.No. 01 of 2021 is allowed.

Re. Cr. Appeal (SJ) No. 922 of 2020.

Heard learned counsels for the parties.

The matter relates to grant of anticipatory bail to the



appellants in connection with Ekma P.S. Case No. 185 of 2017, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 448, 354, 379/34 of the I.P.C. and 3(i)(r) of SC/ST Act.

The prosecution case, in short, is that on 10.08.2017 at about 6.30 P.M. in the evening, while the informant alongwith her sisters and friends was returning after call of nature, all F.I.R. named accused persons including appellants armed with *Lathi, Danda, Dab, Farsa* came and tried to establish physical relationship with them. On hulla, villagers came there and saved their lives. In the meantime, Saroj Kumar Yadav (appellant no. 2) caught hold the hand of the informant and abused her by calling her caste name and also assaulted to other villagers and Prem Kumar Yadav (appellant no. 1) gave *Farsa* blow on the head of one Prem Kumar Ram. Thereafter, all accused persons assaulted with *Lathi, Danda* and *rod* on the head of the informant and also after entering into the house of the informant they assaulted her family members. Saroj Kumar Yadav (appellant no. 2) snatched the golden chain of Prem Kumar Ram worth Rs. 40,000/-. Accused also looted articles of *Tent House* of Amarjeet Ram. It is also alleged that Prem Kumar Ram and Laxmi Devi were admitted in P.H.C., Ekma, then



referred to Chapra Hospital and then Prem Kumar Ram was referred to Patna for treatment.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and they have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the appellants. Nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 02.09.2019, passed by learned Additional Sessions Judge-First, Saran at Chapra in connection with Ekma P.S. Case No. 185 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-First, Saran at Chapra, in connection with Ekma P.S. Case
No. 185 of 2017.

(Sudhir Singh, J)

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