

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2535 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- ROH District- Nawada

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1. Ramkhelaban Yadav, male, aged about 45 years, Son of Bachu Yadav.
 2. Dipu Kumar, male, aged about 22 years, Son of Ramkhelaban Yadav.
 3. Sanjay Yadav, male, aged about 35 years, Son of Kedar Yadav.
 4. Suresh Yadav, male, aged about 34 years, Son of Tetar Yadav.
 5. Bipin Yadav, male, aged about 23 years, Son of Dilip Yadav.
 6. Bhola Yadav, male, aged about 28 years, Son of Sadhu Yadav.
 7. Ramesh Yadav, male, aged about 40 years, Son of Balo Yadav.
- All are R/o Village- Bhandajor, P.S.- Roh, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar, Adv.
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-09-2021 Heard Mr. Sunil Kumar, the learned Advocate for

the appellant Nos. 1 and 3 to 7 and the learned Special

Public Prosecutor for the State.

The appellant Nos. 1 and 3 to 7 have challenged

the order dated 18.01.2021 passed by the learned Special



Judge (SC/ST Act)-cum-Addl. District and Sessions Judge-I, Nawada in connection with Roh P.S. Case No. 129 of 2020, instituted for the offences under Sections 147, 148, 323, 341, 354, 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

By order dated 16.07.2021, the appeal of appellant No. 2, viz., Dipu Kumar was rejected. With respect to appellant Nos. 1 and 3 to 7, the legible carbon/photo copy of the case diary was called for and they were granted the provisional bail.

The accusation in the F.I.R. is that one Dipu Kumar (appellant No. 2) in a state of stupor had teased one of the women of the dancing party. When this was protested, the accused persons including the appellants assaulted the members of the prosecution party and also subjected them to ridicule because of their descent.

The learned counsel for the appellant Nos. 1 and 3 to 7 has submitted that this case has been filed in



retaliation to the earlier case lodged by the wife of one of the accused persons *vide* Roh P.S. Case No. 117 of 2020. It has further been submitted that the accusation against the appellant Nos. 1 and 3 to 7 is absolutely general and omnibus and only for the purposes of framing them as they were associates of Dipu Kumar (whose bail has been rejected) and others.

For the facts afore-stated, the provisional bail granted to appellant Nos. 1 and 3 to 7 *vide* order dated 16.07.2021 is, hereby, confirmed. They shall remain on the same bail-bonds.

The order impugned in the present appeal, referred to above, is set-aside.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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