

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2395 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- SABAUR District- Bhagalpur

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1. KESHAV YADAV @ KESHAV KUMAR, Son of Kapil Yadav @ Kapil Dev Yadav Resident of Bhaigaon, Police station - Goradih, District - Bhagalpur.
 2. RAJESH YADAV @ RAJESH KUMAR, Son of Chandra Shekhar Yadav Resident of Bhaigaon, Police station - Goradih, District - Bhagalpur.
 3. AAYUSH KUMAR @ AAYISH KUMAR, Son of Bilash Yadav Resident of Bhaigaon, Police station - Goradih, District - Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar
For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 24-08-2021

I. A. No. 01 of 2021

For the reasons stated in the Interlocutory Application for condonation of delay, the prayer is allowed.

The delay is condoned.

Heard Mr. Praveen Kumar, learned Advocate for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 23.11.2020, passed by the learned Additional Sessions



Judge III cum Special Judge (SC/ST Act), Bhagalpur, in A.B.P. No. 1224 of 2020, arising out of Sabour (Goradih) P. S. Case No. 97 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 307 and 34 of the Indian Penal Code and Sections 3 (i)(r)(s) and 3 (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the informant was assaulted and abused by the appellants. The cause of occurrence is stated to be the non-payment of the travelling expenses which was incurred by the informant in coming from Gujarat to his native place for making changes in the sale-deed executed by his father.

The learned counsel for the appellants has submitted that even though the appellant nos. 1 and 3 are students, they have not been spared. He has further submitted that the F.I.R. has been lodged after delay of



eleven (11) days without there being any explanation of the same.

There is no injury report on record.

On these facts, it has been urged that the accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 cannot at all be said to have been made out.

For the facts stated above, the order dated 23.11.2020, passed by the learned Additional Sessions Judge III cum Special Judge (SC/ST Act), Bhagalpur, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge III cum Special Judge (SC/ST
Act), Bhagalpur, in connection with Sabour (Goradih) P.
S. Case No. 97 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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