

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1059 of 2020

Arising Out of PS. Case No.-631 Year-2019 Thana- HILSA District- Nalanda

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1. SANTOSH YADAV S/o Munarik Yadav @ Munarik Yadav Kartib Resident of Village- Khorampur, P.S.- Hilsa, Distt- Nalanda.
 2. Munarik Yadav @ Munarik Yadav Kartib S/o Late Devlal Yadav Resident of Village- Khorampur, P.S.- Hilsa, Distt- Nalanda.
 3. Bablu Yadav S/o Munarik Yadav @ Munarik Yadav Kartib Resident of Village- Khorampur, P.S.- Hilsa, Distt- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

A supplementary affidavit has been filed on behalf of the appellants. Let the same be kept on record.

The matter relates to grant of anticipatory bail to the appellants in connection with Hilsa P.S. Case No. 631 of 2019 registered for the offences under Sections 341, 323, 504, 354(A)/34 of the Indian Penal Code and Sections 3(x)(g)(H) of the SC/ST Act.

Allegedly, while the informant along with her family members was sitting at her house, the appellant came and started



abusing. On protest, he brought the other accused persons and all of them with common intention started abusing the informant by calling her caste name and demanded a rangdari of Rs. 10,000. The accused persons are said to have been dragging away them for killing them. Accused persons are said to have assaulted the other family members of the informant also.

It has been submitted on behalf of the appellants that there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. So far appellant Nos. 1 & 2 are concerned, there is general and omnibus allegation against them. No specific overt act is alleged against the appellant Nos. 1 & 2. So far as appellant No. 3 is concerned, he is alleged to have given lathi blow due to which, three teeth of the informant are said to have been broken. For a petty reason, the alleged occurrence is said to have taken place. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 23-01-2020 passed by learned Additional District & Sessions Judge-Ist, Nalanda at Bihar Sharif in Hilsa P.S. Case No. 631 of 2019 is set aside in respect of the appellant Nos. 1 & 2 only. The present



Criminal Appeal is *allowed* in respect of the appellant Nos. 1 & 2 only.

Accordingly, let the appellant Nos. 1 & 2, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Nalanda at Bihar Sharif in connection with Hilsa P.S. Case No. 631 of 2019.

So far as the appellant No. 3 is concerned, his prayer for anticipatory bail is rejected.

If the appellant No. 3 surrenders and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order taking into account that the appellant No. 3 is working in Indian Railways as Assistant Driver.

(Sudhir Singh, J)

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