

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1141 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- WAJIRGANJ District- Gaya

1. GOPI YADAV Son of Gulabi Yadav Resident of Village - Fatehpur, P.S.- Wazirganj in the district of Gaya.
2. Deelip Yadav @ Deelip Kumar Son of Kapildeo Prasad @ Kapil Yadav Resident of Village - Fatehpur, P.S.- Wazirganj in the district of Gaya.
3. Raju Yadav @ Raju Kumar Son of Kapildeo Prasad @ Kapil Yadav Resident of Village - Fatehpur, P.S.- Wazirganj in the district of Gaya.
4. Niku Yadav @ Niku Kumar Son of Lalo Yadav @ Lalu Yadav Resident of Village - Fatehpur, P.S.- Wazirganj in the district of Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Heard learned counsel for the appellants and learned
APP for the State.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 308, 504, 354, 427, 379/34 of the Indian Penal Code and 27 of the Arms Act and Sections 3(i)(r) (s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellants abused the informant by taking his caste name and co-accused Kapil Yadav assaulted the



informant by means of khanti on his head and the appellants assaulted the family members of the informant by lathi, khanti, due to which they sustained injuries.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the appellants have not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place within public view. Hence no offence under the 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 12.02.2020, passed by the learned Special Judge, SC/ST, Gaya vide A.B.P. No.41 of 2020 in connection with Wazirganj P.S. case No.2 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Gaya in connection with Wazirganj P.S. case No.2 of 2020.

(Sudhir Singh, J)

Narendra/-

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