

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1231 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- KHIJARSARAI District- Gaya

1. VIKASH YADAV @ RAVI RAJ Son of Dinesh Yadav Resident of Village - Keni, P.S.- Khijar Sarai, District- Gaya
2. Vikaram Kumar Son of Dinesh Yadav Resident of Village - Keni, P.S.- Khijar Sarai, District- Gaya
3. Arun Kumar Son of Dinesh Yadav Resident of Village - Keni, P.S.- Khijar Sarai, District- Gaya
4. Rubi Devi D/O- Dinesh Yadav Resident of Village - Keni, P.S.- Khijar Sarai, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ganesh Prasad Yadav
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The appellants have challenged the order dated 11.02.2020 passed by Exclusive Special Judge, SC/ST, Gaya in ABP No. 34 of 2020 in connection with Khijar Sarai P.S. Case No. 160 of 2019 registered for the offences under sections 341, 323, 379, 353, 504, 506 and 34 of the Indian Penal Code and 3(1)(R) of SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused



persons abused the informant by taking his caste name and also threatened him.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. No deadly weapon is said to have been used in course of the occurrence. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 11.02.2020 passed by Exclusive Special Judge, SC/ST, Gaya in ABP No. 34 of 2020 in connection with Khijar Sarai P.S. Case No. 160 of 2019 by which the anticipatory bail of the appellants was rejected.

Let 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Khijar Sarai P.S. Case No. 160 of 2019.

The appeal stands allowed.

(Sudhir Singh, J)

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