

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1131 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- BHARGAMA District- Araria

1. SUKESH YADAV @ SUKESH KUMAR Son of Dinesh Yadav Resident of Village - Raghunathpur South, P.S.- Bhargama, District- Araria
2. Rupesh Yadav Son of Dinesh Yadav Resident of Village - Raghunathpur South, P.S.- Bhargama, District- Araria
3. Mukesh Yadav Son of Dinesh Yadav Resident of Village - Raghunathpur South, P.S.- Bhargama, District- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2021 Heard the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Bhargama P.S. Case No. 235 of 2019 arising out of Spl. (SC/ST) Case No. 218 of 2019 registered for the offences under Sections 147, 149, 341, 307, 353, 188, 379, 504 of the Indian Penal Code and Sections 3(i) (r) of the SC/ST (POA) Act.

Allegedly, in course of checking the vehicles, the informant having found shortage of document, brought a motorcycle in the police camp. While the informant was at the camp, the accused persons came there and started creating hue



and tried to take away the vehicle and on objection raised by the informant, they started abusing him with his caste name. Rs. 4500/- is said to have been snatched away.

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. Altogether 10 FIR named and 10-20 unknown persons are there in the FIR. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. 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 14-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Araria in Special (SC/ST) Case No. 218 of 2019 arising out of Bhargama P.S. Case No. 235 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, 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-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 218 of 2019 arising out of Bhargama P.S. Case No. 235 of 2019.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

