

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1269 of 2020

Arising Out of PS. Case No.-497 Year-2019 Thana- KHAGARIA District- Khagaria

1. ARUN YADAV S/o Late Anandi Yadav Resident of Village- Nanhku Mandal Tola, P.S.- Muffasil, Distt- Khagaria.
2. Kshtri Yadav S/o Late Anandi Yadav Resident of Village- Nanhku Mandal Tola, P.S.- Muffasil, Distt- Khagaria.
3. Sain Yadav @ Sanni Yadav S/o Arun Yadav Resident of Village- Nanhku Mandal Tola, P.S.- Muffasil, Distt- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr. Sanjay Kumar Sinha, Mr. Chandan Kumar Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Heard learned counsel for the appellants and learned counsel for the State.

The appellants have challenged the order dated 19.02.2020 passed by learned Additional Sessions Judge -1st, Khagaria in ABA No. (SC/ST) in connection with Khagaria (Muffasil) P.S. Case No. 497/2019, G.R. No. 1919/2019 registered for the offences under sections 341, 323,, 307, 504, 506, 34 of the Indian Penal Code and 3(1)(x) of the 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 on trivial issue,



when the informant complained regarding the occurrence, the accused persons, variously armed, started abusing the informant and also assaulted the informant and his wife.

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 for ulterior motive. The final injury report has not been received till date. The victim is said to have been assaulted with the butt of the gun. The said injury is on the non-vital part of the body. Hence, no offence under section 307 IPC is made out. 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. Other co-accused has been granted anticipatory bail vide order dated 07.11.2019 passed in Cr. Appeal (S.J.) No. 4160/2019.

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 19.02.2020 passed by learned Additional Sessions Judge -1st, Khagaria in ABA No. (SC/ST) in connection with Khagaria (Muffasil) P.S.



Case No. 497/2019, G.R. No. 1919/2019, 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 Additional Sessions Judge -1st, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 497/2019, G.R. No. 1919/2019.

The appeal stands allowed.

(Sudhir Singh, J)

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