

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2489 of 2021

Arising Out of PS. Case No.-135 Year-2019 Thana- SC/ST District- Araria

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1. YOGANAND YADAV @ YOGENDRA YADAV Son of Late Sukhi Yadav Resident of Village - Garuraha Bishanpur, Ward no. 4, P.S.- Narpatganj, District - Araria.
 2. Rambha Devi Wife of Yoganand Yadav @ Yogendra Yadav Resident of Village - Garuraha Bishanpur, Ward no. 4, P.S.- Narpatganj, District - Araria.
 3. Sulekha Devi Daughter of Yoganand Yadav @ Yogendra Yadav Resident of Village - Garuraha Bishanpur, Ward no. 4, P.S.- Narpatganj, District - Araria.
 4. Rajkumar Yadav Son of Yoganand Yadav @ Yogendra Yadav Resident of Village - Garuraha Bishanpur, Ward no. 4, P.S.- Narpatganj, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gopal Kumar Jha, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the appellants submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by the Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No.03 of 2020.

Considering the submissions made on behalf of the



learned counsel for the appellants, the limitation, as pointed out by the office, is condoned.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that while the informant along with his wife went to the house of accused Sarvesh Yadav for demanding due wages, then accused Sarvesh Yadav started abusing them by taking their caste name. When the informant raised objection, the accused persons named in the F.I.R. started assaulting the informant and when the wife of the informant tried to rescue him, accused Sarvesh Yadav torn her sari and blouse, due to which she became naked. Appellant Nos.2 and 3 snatched away silver chain from the neck of the wife of the informant.

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. No grievous injury is said to have been caused in



course of occurrence. The offences under the I.P.C. are bailable. 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 09.11.2020, passed by the learned 1st Additional Sessions Judge-cum-Spl. Judge, Araria vide A.B.P. No.1728 of 2020 in connection with Araria (SC/ST) P.S. case No.135/2019 corresponding to Spl. (SC/ST) case No.222/2019, is set aside. The criminal appeal is allowed.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned 1st Additional Sessions Judge-cum-Spl. Judge, Araria in connection with Araria (SC/ST) P.S. case No.135/2019 corresponding to Spl. (SC/ST) case No.222/2019.

Once the normalcy is restored, the appellants will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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