

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1263 of 2020

Arising Out of PS. Case No.-457 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. SURENDRA YADAV Son of Bachchu Yadav Resident of Village - Chhotki Nima, P.S.- Moffasil, Distt - Gaya.
2. Bose Yadav Son of Nagina Yadav Resident of Village - Chhotki Nima, P.S.- Moffasil, Distt - Gaya.
3. Karu Yadav Son of Charitar Yadav @ Ramcharitra Yadav Resident of Village - Chhotki Nima, P.S.- Moffasil, Distt - Gaya.
4. Guddu Yadav Son of Charitar Yadav @ Ramcharitra Yadav Resident of Village - Chhotki Nima, P.S.- Moffasil, Distt - Gaya.
5. Kundan Yadav @ Kundan Kumar Son of Surendra Yadav Resident of Village - Chhotki Nima, P.S.- Moffasil, Distt - Gaya.
6. Ranjit Yadav Son of Sanjay Yadav Resident of Village - Chhotki Nima, P.S.- Moffasil, Distt - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Moffasil P.S. Case No. 457 of 2019 registered for the offences under Sections 341, 342, 323, 504, 506, 354, 307, 147 and 149 of the Indian Penal Code and



Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

Allegedly, while the informant Soni Kumari along with her brother by scooty was going to attend the Shradh Ceremony of her maternal father and reached near the house of Rajendra Yadav, the accused persons stopped her scooty and having apprehended the informant, they started to proceed by taking her forcibly. On protest made by her brother, they assaulted her brother. It is also alleged that the accused persons abused her by taking her caste name.

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 due to ulterior motive. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. No deadly weapon is said to have been used in course of the occurrence. A petition vide Annexure-2 to the application has been filed by the informant in the court below where she has retracted from her earlier statement made in the FIR. 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 15-02-2020 passed by learned Executive Special Judge, SC/ST Act, Gaya in Moffasil P.S. Case No. 457 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 Executive Special Judge, SC/ST Act, Gaya in connection with Moffasil P.S. Case No. 457 of 2019.

(Sudhir Singh, J)

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