

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2518 of 2021**

Arising Out of PS. Case No.-110 Year-2019 Thana- TEKARI District- Gaya

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1. RAKESH THAKUR SON OF SUBHASH THAKUR @ SUBHASH SHARMA R/O VILLAGE- CHIRAILI BAGH, P.S.- TEKARI, DISTRICT- GAYA
 2. VICKY THAKUR @ AJITESH KUMAR SON OF SUBHASH THAKUR @ SUBHASH SHARMA R/O VILLAGE- CHIRAILI BAGH, P.S.- TEKARI, DISTRICT- GAYA

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Sunil Kumar Yadav, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. PP for the State.

The appellants have challenged the order dated 11.02.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 577/2021/23/2021, arising out of Tekari P.S. Case No. 110 of 2019, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 147, 148, 149, 341, 448, 323, 504, 307 and 379 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act has been rejected.

It is alleged in the FIR that the accused persons



entered the house of the informant and after abusing him, assaulted and ransacked his house.

One co-accused Satish Thakur is said to have assaulted the informant by means of a sword on his hand. One Shyam Bihari Yadav is said to have taken away Rs. 2000/- from his pocket.

Learned counsel for the appellants has submitted that the allegations against them is absolutely general and omnibus. The accusation of assault has not been found true by the investigating officer and therefore, charge sheet has been submitted not under Section 307 of the Indian Penal Code but under other minor Sections. One of the accused persons of this case has been granted bail by a Bench of this Court vide order 06.08.2019 passed in Cr. App (SJ) No. 219 of 2019.

It has been urged on behalf of the appellants that they have been made accused in this case only because of village politics and the accusation involving the provision of SC/ST (Prevention of Atrocities) Act is absolutely uncalled for.

For the reasons aforesaid, the order dated 11.02.2021 is set aside.

The appeal stands allowed.

On the appellants surrendering before the court



below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 577/2021/23/2021, arising out of Tekari P.S. Case No. 110 of 2019.

(Ashutosh Kumar, J)

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