

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2567 of 2021

Arising Out of PS. Case No.-140 Year-2018 Thana- BHARGAMA District- Araria

1. SURENDRA YADAV, S/O Ranjeet Yadav Resident of Village - Shekhpora, P.S.- Bhargama, Dist. - Araria.
2. Anku Yadav @ Anku Kumar, S/O Surendra Yadav Resident of Village - Shekhpora, P.S.- Bhargama, Dist. - Araria.
3. Ramesh Yadav, S/O Jamun Yadav Resident of Village - Shekhpora, P.S.- Bhargama, Dist. - Araria.
4. Umesh Yadav, S/O Jamun Yadav Resident of Village - Shekhpora, P.S.- Bhargama, Dist. - Araria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Prasad Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-07-2021 Heard Mr. Anil Prasad Singh, learned Advocate

for the appellants and Ms. Usha Kumari -I, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

01.03.2021, passed by the learned 1st Additional

Sessions Cum Special Judge, Araria, in A.B.P. No. 432

of 2021, arising out of Bhargama P. S. Case No. 140 of

2018 (Special (SC/ST) Case No. 105 of 2018), whereby

the prayer made on behalf of the appellants for grant of



anticipatory bail for the offences punishable under Sections 341, 323, 324, 504 and 34 of the Indian Penal Code read with Sections 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that while an ADM had come to make an enquiry with respect to a complaint against construction and alignment of a government road leading to Maha Dalit Tola, there was some scuffle between the members of the two groups and the appellants are said to have abused and given a knife blow on the informant.

The learned counsel for the appellants has submitted that there is no injury corresponding to the accusation in the F.I.R. In fact, the appellants and others had made a complaint against the alignment of the road and to inquire about the aforesaid complaint, the ADM, as a government emissary, had come to the place where the occurrence is said to have taken place.



The accusation is absolutely vague in as much as the time and the day of the occurrence has not been stated clearly. The injury report has been prepared much later than the lodging of the F.I.R.

The dispute between the appellants and the informant lies somewhere else but the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been invoked in order to add seriousness to the offence.

For the afore-stated reasons, the order dated 01.03.2021, passed by the learned 1st Additional Sessions Cum Special Judge, Araria, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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
1st Additional Sessions Cum Special Judge, Araria, in
connection with Bhargama P. S. Case No. 140 of 2018
(Special (SC/ST) Case No. 105 of 2018), subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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