

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1609 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- SC/ST District- Lakhisarai

1. CHANDAN KUMAR @ CHAND S/o Gopal Yadav R/o Village- Goddih, P.S.- Kiul, District- Lakhisarai.
2. Sakaldeo Yadav S/o Late Manjhi Yadav R/o Village- Goddih, P.S.- Kiul, District- Lakhisarai.
3. Gopal Yadav S/o Late Manjhi Yadav R/o Village- Goddih, P.S.- Kiul, District- Lakhisarai.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Ashok Kumar, Advocate
For the Respondent	:	Mr. Binay Krishna, Spl. P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-01-2021 Heard learned counsel for the appellants and the State.

Appellants apprehend arrest in a case registered for
the offences punishable under

The present appeal is directed against the order dated
18.3.2020 passed by learned Additional Sessions Judge – I cum
Special Judge, Lakhisarai in a case registered for the offence
punishable Section 323 and other allied sections of the Indian
Penal Code as well as section 3(1)(r)(s) of the SC/ST Act,
whereby anticipatory bail of the appellants has been rejected.

Prosecution's case in brief is that the appellants and
other named co-accused persons, armed with lathi and khanti



went to the house of the informant and started abusing him. Accused persons assaulted the informant and scattered the soil being used in construction of road.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to some land dispute. He further submits that the FIR has been lodged on 14.2.2020 for the occurrence took place on 7.2.2020, without explaining the reason of delay. Appellants have got no criminal antecedent. No offence under the SC/ST Act is made out against the appellants.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 18.3.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – I cum Special



Judge, Lakhisarai in SC/ST (Lakhisarai) Police Station Case No.
13/2020, subject to the condition as laid down under Section
438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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