

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2552 of 2021

Arising Out of PS. Case No.-162 Year-2016 Thana- BHARGAMA District- Araria

1. Arjun Yadav aged about 47 years Son Of Late Janardan Yadav R/O Village- Rahariya, P.S.- Bhargama, Dist.- Araria
2. Budeo Yadav @ Budheo Yadav @ Bhudev @ Budhadev Yadav @ Budhadeo Yadav aged about 50 years Son Of Late Janardan Yadav R/O Village- Rahariya, P.S.- Bhargama, Dist.- Araria

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Gopal Kumar Jha, Advocate
For the Respondent	:	Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated 22.3.2021, passed by the Additional Sessions Judge I cum Special Judge, SC/ST Act, Araria in a case registered for the offence punishable under Section 323 and other sections of the Indian Penal Code and Section 3 I(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 27 of the Arms Act, whereby bail of the appellants has been rejected.

As per the prosecution case, 36 FIR named including



these appellants came to the house of the informant and set the house on fire and were chanting that no one of a particular caste be left out. Accused persons also assaulted the family members of the informant.

Learned counsel for the appellants while denying the alleged incident submits that there is no specific overt act alleged against these appellants and entire allegation is general and omnibus and similarly situated other accused persons have already been allowed bail by the court below itself. There is no allegation of abuse by caste against the appellants. Appellants are in custody since 22.2.2021.

Learned counsel for the state opposes the prayer for bail and submits that the appellants also participated in the alleged occurrence.

Considering the rival submissions of the parties, materials available on the record and the fact that there is general and omnibus allegation against the appellants, this appeal is allowed and the impugned order dated 22.3.2021, is set aside.

Accordingly, the appellants, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the Additional Sessions Judge
I cum Special Judge, Araria in Special SC/ST Case No.103 of
2017/Bhargama Police Station Case No. 162 of 2016 on the
following conditions:-

(1) Appellants shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court
and shall remain physically present as directed by the Court
and on their absence on two consecutive dates without
sufficient reason, their bail bond shall be cancelled by the
Court below.

(2) If the appellants tamper with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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