

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1481 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- BELHAR District- Banka

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1. DOMAN YADAV Son of Late Kamleshwari Yadav Resident of Village-Sarsadda, P.S.- Belhar, District- Banka.
 2. Lakhan Yadav Son of Late kamleshwari Yadav Resident of Village-Sarsadda, P.S.- Belhar, District- Banka.
 3. Rambalak Yadav Son of Late Kamleshwari Yadav Resident of Village-Sarsadda, P.S.- Belhar, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y. C. Verma, Sr. Adv. Mr. Pranav Kumar Jha
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-01-2021 Heard learned Senior Counsel for the appellants and
learned Additional Public Prosecutor for the State.

An order, dated 04.03.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/St Act, Banka, in A.B.P. No. 384 of 2020, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Belhar Police Station Case No. 20 of 2020 registered for the offences punishable under Sections 364/34 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled



Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The prosecution case, as per the First Information Report, is that on 25.12.2019, at about 3 AM, the appellants, along with other co-accused persons, called the son of the informant from his house and co-accused Siyaram Yadav abused him by taking his caste name and also assaulted him since there was love affairs between the daughter of the co-accused Siyaram Yadav and the son of the informant. It has further been alleged that when the informant came to save his son, he was also assaulted and abused by the accused persons.

.Learned Senior Counsel appearing on behalf of the appellants submits that the appellants have falsely been implicated in this case inasmuch as the appellants happen to be the neighbour and family members of co-accused Siyaram Yadav, against whom there is specific allegation levelled in the First Information Report. He further submits that from perusal of the First Information Report, no specific allegation has been levelled against the appellants and the allegations against them are general and omnibus in nature. He further submits that the occurrence has allegedly taken place on 25.12.2019, whereas the First Information Report has been registered after an



unexplained delay of 23 days, on 18.01.2021. He further submits that from perusal of the First Information Report, no offence under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out against the appellants. He further submits that co-accused Neelam Devi, wife of Siyaram Yadav has been granted anticipatory bail by co-ordinate Bench of this Court, vide order, dated 28.09.2020, passed in Criminal Appeal (SJ) No. 1030 of 2020.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused person has been granted anticipatory bail by this Court and there is no specific allegation against the appellants, I am inclined to grant the appellants privilege of anticipatory bail.

Accordingly, this appeal is allowed and the order, dated 04.03.2020, passed in A.B.P. No. 384 of 2020, by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST act, Banka, is set aside.

Let the appellants, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on 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 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Banka, in connection with Belhar Police Station Case No. 20 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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