

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2962 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- SC/ST District- Kaimur (Bhabua)

1. SHIV PARSAN YADAV Son of Raghunath Yadav Resident of Village- Dahar, P.S.- Adhaura, District- Kaimur at Bhabua.
2. Pappu Yadav Son of Ramraj Yadav Resident of Village- Dahar, P.S.- Adhaura, District- Kaimur at Bhabua.
3. Ramjee Yadav Son of Vishwanath Yadav Resident of Village- Dahar, P.S.- Adhaura, District- Kaimur at Bhabua.
4. Awadhesh Yadav Son of Ramraj Yadav Resident of Village- Dahar, P.S.- Adhaura, District- Kaimur at Bhabua.
5. Mulayam Yadav Son of Ramraj Yadav Resident of Village- Dahar, P.S.- Adhaura, District- Kaimur at Bhabua.
6. Shankar Yadav Son of Raghunath Yadav Resident of Village- Dahar, P.S.- Adhaura, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Pandey, Adv.

For the Respondent/s : Ms. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-08-2021 Heard Mr. Rajani Kant Pandey, learned Advocate

for the appellants and Ms. Usha Kumari No. 1, learned

Special Public Prosecutor for the State.

Mr. Pandey, learned counsel for the appellants

seeks permission to withdraw the appeal with respect to

appellant nos. 1 and 2, who have been arrested.

This appeal with respect to appellant no. 1/Shiv

Parsan Yadav and appellant no. 2 /Pappu Yadav is



dismissed as withdrawn.

The appellant nos. 3 to 6 have challenged the order dated 16.06.2021 passed by the learned Additional District and Sessions Judge -I, Kaimur at Bhabhua in A.B.A. No. 356 of 2021 arising out of Bhabhua SC/ST P.S. Case No. 05 of 2021, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 3564(B), 504, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s)(w), 3(2)(Va) of SC/ST (POA) Act has been rejected.

The informant is a police constable, who has alleged that while she was returning from duty, she was insinuated because of her caste and was also subjected to ridicule and ignominy.

Learned counsel for appellant nos. 3 to 6 have stated that such accusation is difficult to believe as the informant is herself a constable. It has been further submitted that there was a fight between children of two groups and for some reason or the other, the involvement of the informant also was found. As a retaliation to the



aforesaid dispute, she has chosen to implicate the appellants in this case. It has been submitted that the informant being a Constable, the accusation levelled by her does not appear to be probable. The accusation under the SC/ST (Prevention of Atrocities) Act also appears to be over exaggerated and unwarranted in the facts of this case.

For the reasons afore-stated, order dated 16.06.2021 passed by the learned Additional District and Sessions Judge -I, Kaimur at Bhabhua with respect to the appellants, is set aside.

Their appeals are allowed.

The appellant no. 3/Ramjee Yadav, appellant no. 4/Awadhesh Yadav, appellant no. 5/ Mulalyam Yadav and appellant no. 6/ Shankar Yadav 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge -I, Kaimur at



Bhabhua in connection with Bhabhua SC/ST P.S. Case No.
05 of 2021.

(Ashutosh Kumar, J)

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