

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1829 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

1. Shiva Yadav S/o Ram Lal Yadav Resident of Village-Akauni, P.S.-Chand, District-Bhabua.
2. Bihari Yadav S/o Ramlal Yadav Resident of Village-Akauni, P.S.-Chand, District-Bhabua.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-02-2021 Heard learned counsel for the parties.

The present appeal is directed against the order dated 06.06.2020 passed by learned Additional Sessions Judge –I cum Special Judge, Kaimur at Bhabua in a case registered for the offence punishable under Sections 504/34 and other allied sections of the Indian Penal Code and Section 3 (1) (r) (s)/3va of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, while the informant was passing through a narrow street near his house at about 11 am the accused persons dashed motorcycle with the wife of the informant as a result of which she fell down and when she



objected the same, the accused persons abused her and on protest by her son, they abused and assaulted the son of the informant causing head injury.

Learned counsel for the appellants submits that the informant has in fact exaggerated the incident. He submits that appellants' bike skidded due to slippery caused by muddy water in the street as a result of which informant's son received some injury. Appellants have not assaulted any member of the informant's family and no injury has been caused to them. There is land dispute between the parties. No offence under the SC/ST Act is made out against the appellants. Appellants have got no criminal antecedent as stated in paragraph 3 of the bail petition.

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 6.6.2020 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 Additional Sessions Judge I cum Special Judge, Kaimur at Bhabua in Bhabua Police Station Case No. 20 of 2020.

(Prabhat Kumar Singh, J)

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