

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1852 of 2020**

Arising Out of PS. Case No.-85 Year-2020 Thana- RAXAUL District- East Champaran

1. RAMADHAR YADAV S/o Thag Yadav Resident of Village-Shitalpur, P.S.- Raxaul, District-East Champaran.
2. Sarita Devi W/o Ramadhar Yadav Resident of Village-Shitalpur, P.S.- Raxaul, District-East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Kundan Rathore@ Kundan Kumar

For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      19-02-2021      Heard the parties.

Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellants in connection with Raxaul P.S. Case No. 85 of 2020 registered for the offences under Sections 147, 148, 149, 324, 307, 332, 333, 353, 120(B)/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(ii)(va) of the SC/ST (POA) Act, 1989.

Allegedly, while the informant on the basis of secret information went to the place of occurrence, the appellant No. 1 was found abusing some people. It is alleged that while the



informant forbade to do so, the appellant No. 1 took his caste name and thereafter, family of the appellant No. 1 came out of the house and attacked on police party.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. So far appellant No. 1 is concerned, there is specific allegation of assault alleged against him. The informant happens to be police personnel. So far appellant No. 2 is concerned, general and omnibus allegation has been made against her. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09-07-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in Raxaul P.S. Case No. 85 of 2020 is set aside with regard to the appellant No. 2 only. The present Criminal Appeal is *allowed* with regard to the appellant No. 2 only.



The prayer for anticipatory bail of appellant No. 1 is rejected. If he surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

Accordingly, let the appellant No. 2, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory 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 Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Motihari, East Champaran in connection with Raxaul P.S. Case No. 85 of 2020.

**(Sudhir Singh, J)**

A.K.V.//-

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