

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2057 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- FESHAR District- Aurangabad

1. Rishikesh Yadav @ Rishi Kesh Singh Son of Manna Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.
2. Kamlesh Yadav @ Kamlesh Prasad Singh Son of Manna Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.
3. Mukesh Yadav @ Mukesh Kumar Son of Kamlesh Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.
4. Ranjeet Kumar Son of Late Ramkrit Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.
5. Sujeet KUMar Son of Late Ramkrit Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.
6. Pramod Kumar Son of Late Ramkrit Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.
7. Dharmendra Yadav Son of Late Ramkrit Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.
8. Ravindra Yadav @ Ravindra Kumar Son of Late Rampravesh Yadav Resident of Village-Fesara, P.S.-Feshar, District-Aurangabad.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Rakesh Singh, Adv.
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Ravindra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 12-03-2021

Heard Mr. Krishna Prasad Singh, learned senior advocate for the appellants, Mr. Sadanand Paswan, learned Special Public Prosecutor for the State and Mr. Ravindra Kumar, learned counsel for the informant.

2. This appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,



1989 (for short 'SC/ST Act') has been preferred by the appellants challenging the order dated 21.08.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Aurangabad in A.B.P. No. 439 of 2020 whereby he has rejected the prayer for grant of pre-arrest bail of the appellants in connection with Fesar P.S. Case No. 41 of 2020 registered inter alia under Section 307 of the Indian Penal Code, Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned senior counsel appearing for the appellants submitted that there is no allegation against the appellants in the FIR of abusing the informant taking his caste name. He contended that as per the FIR the allegation of abusing the informant taking his caste name is against co-accused Arvind Yadav. So far as the appellants are concerned, they participated in the offence subsequently and general allegation of abusing and assaulting the informant has been levelled against all the accused persons without mentioning his caste name. He further contended that the instant case is counter blast of Fesar P.S. Case No. 40 of 2020, which has been registered on the basis of oral statement of Ranjeet Kumar (Appellant no.4) against the informant and his family members. He contended that in the alleged occurrence from the side of the prosecution six persons have been injured out of whom



one has sustained grievous injury whereas from the side of the informant three persons, i.e., appellant nos. 4, 6 and 7 were injured and the appellant no.7 Dharmendra Yadav had sustained grievous injury.

4. Learned counsel for the State and learned counsel for the informant submitted that the court below rightly rejected the application for grant of pre-arrest bail to the appellants in view of specific bar created under Section 18 of the SC/ST Act.

5. Having heard the parties, since the allegation of abusing the informant is specifically against co-accused Arvind Yadav and there is nothing specific as against the appellants and in a quarrel between the parties members of both sides sustained injuries pursuant to which there is case and counter case, I am inclined to grant pre-arrest bail to the appellants.

6. Accordingly, the order impugned dated 21.08.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Aurangabad in A.B.P. No. 439 of 2020 is set aside.

7. The appellants are directed to be released on bail in the event of their arrest or surrender on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional



Sessions Judge-cum-Special Judge, Aurangabad in connection
with Fesar P.S. Case No. 41 of 2020.

8. The appeal stands allowed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.03.2021
Transmission Date	17.03.2021

