

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1634 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- SC/ST District- Bhojpur

1. ADITYA NARAYAN YADAV @ ADITYA SINGH S/o Kesho Yadav
Resident of Village- Sakia, P.S.- Sikarhatta, Dist- Bhojpur
2. Guddu Yadav @ Guddu Singh S/o Kesho Yadav Resident of Village- Sakia,
P.S.- Sikarhatta, Dist- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Nath Sinha, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-01-2021 Heard Mr. Rajendra Nath Sinha, learned counsel for the appellants and Mr. Binay Krishna, Special Public Prosecutor for the state through video conferencing.

2. The present appeal is directed against order dated 22.06.2020 passed by 1st Additional Sessions Judge, Bhojpur at Ara in connection with SC/ST PS Case No. 31/2020 for the offence registered under Sections 341, 342, 323, 504/34 of the IPC and Section 3 (i) (r) (s)/39(2)(va) of the SC/ST Act, by which anticipatory bail application of the appellants has been rejected.

3. The allegation, as per prosecution case, is that the appellant arrived at the shop of informant in a drunken condition and demanded some articles and when informant asked money for the same, the appellant abused him by calling his caste name. It is further alleged that appellant and other accused persons surrounded the informant and his father and assaulted them by kicks and *danda*.

4. Learned counsel for the appellants submits that appellants have not committed any offence in the manner alleged and



from perusal of the FIR, it would be evident that the allegation against the appellant is that he allegedly, abused the informant in his shop which is not a public place and hence, offence under Section 3 (i)(r)(s) is not made out against the appellants. Learned counsel further submits that no injury has been caused to the father of the informant due to assault, allegedly, made upon him.

5. Having regard to the submissions made by the parties and taking into consideration the material in totality, the present appeal is allowed, the order dated 22.06.2020 passed by 1st Additional Sessions Judge, Bhojpur at Ara in connection with SC/ST PS Case No. 31/2020 is set aside.

6. Accordingly, let the appellants, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with SC/ST Case No. 103/2020 arising out of SC/ST PS Case No. 31/2020.

7. It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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