

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3045 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- SC/ST District- Patna

1. DEEPAK KUMAR YADAV Son of Nageshwar Gope Resident of Village - Pandey Chak, P.S.- Bihta, District - Patna.
2. Vikash Kumar @ Vikash Kumar Yadav Son of Indra Deo Yadav Resident of Village - Pandey Chak, P.S.- Bihta, District - Patna.
3. Jay Uday Yadav @ Ram Uday Yadav Son of Indra Deo Yadav Resident of Village - Pandey Chak, P.S.- Bihta, District - Patna.
4. Shailesh Kumar Yadav @ Deepak Kumar Son of Nageshwar Yadav Resident of Village - Pandey Chak, P.S.- Bihta, District - Patna.
5. Shiv Kumar Son of Sagendra Yadav Resident of Village - Pandey Chak, P.S.- Bihta, District - Patna.
6. Vikash Kumar Yadav @ Navratan Singh Son of Saryug Yadav @ Arun Yadav Resident of Village - Pandey Chak, P.S.- Bihta, District - Patna.
7. Pawan Kumar Yadav @ Pawan Kumar Son of Nathuni Yadav Resident of Village - Pandey Chak, P.S.- Bihta, District - Patna.
8. Kula Yadav Son of Vimlesh Yadav Resident of Mohalla - Carorichak, P.S.- Phulwari, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Usha Kumari I, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

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

Counsel for the appellants seeks permission to withdraw



the present appeal on behalf of appellant Nos.1 and 4, as the appellant Nos.1 and 4 have been taken into judicial custody.

Permission is accorded.

The appeal filed on behalf of appellant Nos.1 and 4 is dismissed as withdrawn.

The appellant Nos.2, 3 and 5 to 8 have challenged the order dated 06.07.2021 passed by learned A.D.J. III-cum-Special Judge, Patna (SC/ST Act) in connection with Special case No.128 of 2021 arising out of SC/ST (Patna) P.S. case No.07 of 2021 registered for the offences under Sections 341, 323, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the accused persons including the appellants used to tease the female members of the informant and when the informant said them not to do so, the accused persons including the appellants assaulted the informant and his nephew by means of lathi and danda and they also abused the informant by taking his caste name.

It has been submitted on behalf of the appellant Nos.2, 3 and 5 to 8 that the appellant Nos.2, 3 and 5 to 8 have



got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant Nos.2, 3 and 5 to 8. The appellant Nos.2, 3 and 5 to 8 have falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the appellant Nos.2, 3 and 5 to 8. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant Nos.2, 3 and 5 to 8 are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 06.07.2021, with regard to the appellant Nos.2, 3 and 5 to 8, passed by the learned A.D.J. III-cum-Special Judge, Patna (SC/ST Act) vide A.B.P. No.3965 of 2021 in connection with Special case No.128 of 2021 arising out of SC/ST (Patna) P.S. case No.07 of 202, is set aside.

Let the appellant Nos.2, 3 and 5 to 8, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. III-cum-Special Judge,



Patna (SC/ST Act) in connection with Special case No.128 of 2021 arising out of SC/ST (Patna) P.S. case No.07 of 2021.

The criminal appeal stands allowed only for the appellant Nos.2, 3 and 5 to 8.

(Sudhir Singh, J)

Narendra/-

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