

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2000 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- SC/ST District- Sheikhpura

1. RAUSHAN YADAV S/o Maulvi Yadav Resident of Village- Bihta, P.S.- and District- Sheikhpura.
2. Maulvi Yadav S/o Late Baudhu Yadav Resident of Village-Bihta, P.S. and District-Sheikhpura.
3. Susma Devi W/o Maulvi Yadav Resident of Village-Bihta, P.S. and District-Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 27.08.2020 passed by learned 1st Additional District and Sessions Judge, Sheikhpura, in connection with Sheikhpura SC/ST P.S. Case No. 25 of 2020 (SC/ST Case No. 49 of 2020) under Sections 341, 323, 324(B), 379, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s)w(i)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.



Prosecution case in brief is that on 12.06.2020 at about 10.00 am while the son of informant was playing on Jhula, Raushan Yadav appellant no. 1 abused him by calling his caste name and when the same was opposed by the informant, all the accused persons abused and assaulted him and his wife. It is further alleged that appellant no. 1 assaulted elder son of informant by butt of pistol causing injury on his neck and leg.

It is submitted on behalf of the appellants that there is general and omnibus allegation against the appellants. Appellants are next door neighbour of informant and marpit took place between the parties over the petty dispute of drainage. No case under SC/ST Act is made out. Appellants have got clean antecedent.

However, Special Public Prosecutor opposed the bail application and submitted that there is specific allegation of assault against appellant no. 1 by butt of pistol causing injury to the informant's son.

So far as case of Raushan Yadav appellant no. 1 is concerned, there is specific allegation of assault, therefore, I am not inclined to enlarge him on anticipatory bail. Accordingly, the same is rejected.

Considering the fact that there is general and omnibus



allegation against Maulvi Yadav appellant no. 2 and Susma Devi appellant no. 3, this appeal is partly allowed. The impugned order dated 27.08.2020 passed by learned 1st Additional District and Sessions Judge, Sheikhpura, is set aside with regard to Maulvi Yadav appellant no. 2 and Susma Devi appellant no. 3.

Let Maulvi Yadav appellant no. 2 and Susma Devi appellant no. 3, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned 1st Additional District and Sessions Judge, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No. 25 of 2020 (SC/ST Case No. 49 of 2020), subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

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