

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.825 of 2021

Arising Out of PS. Case No.-142 Year-2020 Thana- RIGA District- Sitamarhi

1. Ram Babu Yadav son of Late Ramdev Yadav Resident of Village- Posua, P.S.- Riga, District- Sitamarhi.
2. Ram Bali Yadav son of Late Ramdev Yadav Resident of Village-Posua, P.S.- Riga, District- Sitamarhi
3. Sarvindra Yadav @ Sarvind Kumar Yadav son of Ram Babu Rai Resident of Village-Posua, P.S.- Riga, District- Sitamarhi
4. Arvind Yadav @ Arbind Yadav son of Ram Babu Rai Resident of Village-Posua, P.S.- Riga, District- Sitamarhi
5. Praveen Yadav son of Ram Babu Rai Resident of Village-Posua, P.S.- Riga, District- Sitamarhi
6. Sanoj Yadav son of Ram Bali Yadav Resident of Village-Posua, P.S.- Riga, District- Sitamarhi
7. Sadhu Sharan Yadav son of Laxmi Rai Resident of Village-Posua, P.S.- Riga, District- Sitamarhi
8. Chandrika Kumar @ Chandrika Yadav son of Bhulavan Rai Resident of Village-Posua, P.S.- Riga, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P.for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The appellants have challenged the order dated



22.08.2020 passed by learned A.D.J.-1-cum- Special Judge, SC/ST Act, Sitamarhi in ABP No. 830/2020/122/2020 in connection with Riga P.S. Case No. 142 of 2020 registered for the offences under sections 341, 323, 354, 504, ,379, 34 of the Indian Penal Code and 3(i)(s)(r) of SC/ST Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons abused the informant by taking caste name and also assaulted her.

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. No deadly weapon is said to have been used in course of occurrence. No grievous injury has been caused by the appellants. There is a case and counter case between the parties. A free fight is alleged to have taken place. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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



Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 22.08.2020 passed by learned A.D.J.-1-cum- Special Judge, SC/ST Act, Sitamarhi in ABP No. 830/2020/122/2020 by which the anticipatory bail of the appellants was rejected.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of six 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 A.D.J.-1-cum- Special Judge, Excise SC/ST Act, Sitamarhi in connection with Riga P.S. Case No. 142 of 2020.

The appeal stands allowed.

(Sudhir Singh, J)

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