

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2051 of 2020**

Arising Out of PS. Case No.-20 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

1. Mangal Yadav S/o Shymalal Yadav Resident of Village - Ekauni, P.S. - Chand, District Kaimur at Bhabua.
2. Jagat Yadav S/o Surendra Yadav Resident of Village - Ekauni, P.S. - Chand, District Kaimur at Bhabua.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 12-03-2021

Heard learned counsel for the appellants and
learned Spl. P.P. for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (for short “the SC/ST Act”) has been preferred by the appellants challenging the order dated 06.06.2020 passed in A.B.P. No. 305 of 2020 in connection with Bhabua SC/ST P.S. Case No. 20 of 2020 registered for the offences punishable under Sections 341, 323, 279 and 504 of the Indian Penal Code and Sections 3(1)(r) (s) and 3(2)(va) of the SC/ST Act by the learned 1st Addl. District & Sessions Judge-cum-Special Judge, Kaimur at Bhabua whereby he has rejected the appellants’ prayer for grant



of pre-arrest bail.

3. As per the prosecution case, while the informant's wife was passing through a narrow street near her house, at about 11 a.m., the accused persons, who were riding on their motorcycle knocked his wife, as a result of which, she fell down. When she objected, the accused persons abused her. On protest by his son, they abused and assaulted him with lathi, as a result of which, he sustained injury on his head.

4. Learned counsel for the appellants submitted that the informant has in fact exaggerated the incident. He contended that the appellants' bike skidded due to muddy water in the street, as a result of which, informant's son received some injury. He contended that the appellants have not assaulted any member of the informant's family and no injury had been caused to anyone. There is land dispute between the parties. He urged that no offence under the SC/ST Act is made out against the appellants. He further contended that the other co-accused, namely, Shiva Yadav and Bihari Yadav having identical allegations, have already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 23.02.2021 passed in Cr. Appeal (SJ) No. 1829 of 2020.

5. On the other hand, learned Spl. P.P. for the State



opposed the prayer for grant of pre-arrest bail to the appellants.

6. Considering the submissions made above and the materials available on record, specially, because the other co-accused persons having identical allegation have been granted pre-arrest bail by a co-ordinate Bench of this Court, I am inclined to allow this appeal. Accordingly, the impugned order dated 6.06.2020 passed in A.B.P. No. 305 of 2020 by the learned Addl. District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua is, hereby, 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 learned Addl. District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua in connection with Bhabua SC/ST P.S. Case No. 20 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-03-2021
Transmission Date	17-03-2021

