

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3415 of 2021**

Arising Out of PS. Case No.-6 Year-2021 Thana- SC/ST District- Siwan

1. BIRENDRA YADAV Son of Shivji Yadav Resident of Village- Ramapali, P.S.- Maharajganj, District- Siwan.
2. Manish Yadav @ Manish Kumar Son of Birendra Yadav Resident of Village- Ramapali, P.S.- Maharajganj, District- Siwan.
3. Manager Yadav S/o Shankar Yadav Resident of Village- Ramapali, P.S.- Maharajganj, District- Siwan.
4. Guddu Yadav Son of Prahlad Yadav Resident of Village- Ramapali, P.S.- Maharajganj, District- Siwan.
5. Appu Yadav @ Appu Kumar Son of Prahlad Yadav Resident of Village- Ramapali, P.S.- Maharajganj, District- Siwan.
6. Niraj Yadav @ Niraj Kumar Son of Manager Yadav @ Major Yadav Resident of Village- Ramapali, P.S.- Maharajganj, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

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

The appellants have challenged the order dated
22.07.2021 passed by learned 1st Additional Sessions Judge-
cum-Special Judge, Siwan in connection with Siwan SC/ST P.S.



case No.06 of 2021 registered for the offences under Sections 341, 323, 504, 506, 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 appellants for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the appellants abused the informant by taking his caste name and appellant No.1 gave knife blow upon the head of the informant, due to which he sustained injury on his head and blood oozing out and appellant No.3 assaulted upon the right hand of the informant by sword, due to which he sustained injury on his hand and other appellants assaulted the informant by lathi, danda and rod, due to which he sustained injuries.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The alleged occurrence is said to have taken place on 27.02.2021 and the present case was instituted on 04.03.2021. Delay has not been explained by the prosecution. There is land dispute between the parties. A proceeding under Section 107 Cr.P.C. is also pending between the parties. 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 appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 22.07.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan vide A.B.P. No.849 of 2021 in connection with Siwan SC/ST P.S. case No.06 of 2021, is set aside.

Let the appellants, 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 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan SC/ST P.S. case No.06 of 2021.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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