

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3492 of 2021**

Arising Out of PS. Case No.-76 Year-2012 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Baidyanath Yadav, S/o Ram Narayan Yadav Resident of Ward Number 14 Larni, Jhajhra, P.S.- Kusheshwar Ashtan, District- Darbhanga
 2. Umesh Yadav S/o Bhikho Yadav Resident of Ward Number 14 Larni, Jhajhra, P.S.- Kusheshwar Ashtan, District- Darbhanga
 3. Laloo Yadav S/o Ram Naresh Yadav Resident of Ward Number 14 Larni, Jhajhra, P.S.- Kusheshwar Ashtan, District- Darbhanga
 4. Bhola Yadav S/o Ghutur Yadav Resident of Ward Number 14 Larni, Jhajhra, P.S.- Kusheshwar Ashtan, District- Darbhanga
 5. Lakshmi Yadav S/o Dharam Yadav Resident of Ward Number 14 Larni, Jhajhra, P.S.- Kusheshwar Ashtan, District- Darbhanga
 6. Ranjeet Thakur S/o Jivach Thakur Resident of Ward Number 14 Larni, Jhajhra, P.S.- Kusheshwar Ashtan, District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Navnit Kumar- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-09-2021 Heard Mr. Navnit Kumar, the learned Advocate for

the appellants and Mr. Binay Krishna, the learned Special Public

Prosecutor for the State.

The appellants have challenged the order dated
04.12.2020 passed by the learned Additional Sessions
Judge-1st-cum-Special Judge, SC & ST (P.O.A.) Act,
Darbhanga in connection with Kusheshwarsthan P. S. Case
No.76 of 2012, instituted for the offences under Sections



147, 148, 149, 341, 323, 504, 324, 379 of the Indian Penal Code and Section 3(1)(X) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is of the appellants having abused, assaulted and demeaned the informant.

The learned Advocate for the appellants has submitted that the accusation of assault is attributed to one Arjun Kumar Thakur and not the appellants.

Apart from this, it has been submitted that there is no injury report on record.

Considering the futility of continuing with this kind of litigation, the informant has chosen to settle his differences with the appellants and has filed an application before the Court below indicating that he shall not prosecute the appellants henceforth.

It has further been submitted that the accusation involving the mischief of SC/ST (P.O.A.) Act also is vague and over exaggerated.

Regard being had to the aforesaid facts, the order dated 04.12.2020 is set-aside.



The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC & ST (P.O.A.) Act, Darbhanga in connection with Kusheshwarthan P. S. Case No.76 of 2012, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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