

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.305 of 2021**

Arising Out of PS. Case No.-345 Year-2017 Thana- GHOSI District- Jehanabad

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1. KRISHNBALLABH YADAV @ KRISHNYALAM YADAV, S/o Suresh Yadav Resident of Village-Shekhpora, P.S-Ghosi, District-Jehanabad.
 2. Mithilesh Yadav S/o Late Chamari Yadav Resident of Village-Shekhpora, P.S-Ghosi, District-Jehanabad.
 3. Manish Kumar S/o Satyendra Yadav Resident of Village-Shekhpora, P.S-Ghosi, District-Jehanabad.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prashant Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-06-2021 Heard Mr. Prashant Sinha, learned counsel for

the appellants and Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

26.08.2020, passed by the learned Additional Sessions

Judge 1st, Jehanabad, in A.B.P. No. 636 of 2020, arising

out of Ghosi P. S. Case No. 345 of 2017, whereby the

prayer made on behalf of the appellant for grant of

anticipatory bail for the offences punishable under

Sections 147, 149, 341, 323, 379, 504 and 307 of the



Indian Penal Code and Sections 3-(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been rejected.

The wife of the informant and other members of the prosecution party are stated to have been assaulted. The matter was investigated but the police did not submit charge-sheet against the present appellants. But cognizance has been taken against them on the basis of further statement given by the informant during the course of investigation.

One of the appellants (appellant no. 3) was, at the relevant time, appearing in an examination of an Engineering College in Orissa.

There is a counter version of the occurrence as well.

The learned Advocate for the appellants, therefore, submits that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can, therefore, be said to have been made out



against the appellants.

Considering the afore-stated facts, the appeal is allowed.

The order dated 26.08.2020, passed by the learned Additional Sessions Judge 1st, Jehanabad is set aside.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Jehanabad in connection with Ghosi P. S. Case No. 345 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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