

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.47 of 2021

Arising Out of PS. Case No.-165 Year-2019 Thana- RAJAOLI District- Nawada

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1. SINTU YADAV Son of Mahesh Yadav @ Mahesh Prasad Yadav Resident of Village - Bhagwanpur, P.S.- Rajauli, District - Nawada.
 2. Mantu Yadav Son of Suresh Yadav Resident of Village - Bhagwanpur, P.S.- Rajauli, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad

For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 28-10-2021 Heard learned counsel for the appellants and learned
counsel for the State.

Learned counsel for the appellants is directed to
remove all the defects pointed out by the Stamp Reporter
within one month.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 03.03.2020 passed by learned Additional District
and Sessions Judge-cum-Special Judge, SC/ST(POA) Act,
Nawada, in connection with Rajauli P.S. Case No.165 of 2019,
registered under Sections 147, 341, 323, 379, 504 of the Indian

Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per allegation, the informant, Raj Kumar Prasad was returning from his house after marriage of his daughter and in the way, 20 persons stopped his vehicle and entered into his vehicle and snatched gold earring from Malti Devi, Rinki Devi and golden bangles of Nitu Devi. In the meanwhile, Sunil Choudhary, who was also returning to his house, and all the unknown persons abuses them using word Harijan.

Learned counsel for the appellants has submitted that due to overtake of the vehicle, minor accident took place due to which there was hot discussion. The false case has been lodged arraying gravest section to make the offence more serious. He has further submitted that some accused persons have been granted anticipatory bail by the Coordinate Bench of this Court in Criminal Appeal (SJ) No.3798 of 2019 vide order dated 28.11.2019.

Considering the facts and circumstances as well as the fact that co-accused persons of similar allegation have been granted anticipatory bail by the Coordinate Bench, the appeal is allowed and the impugned order dated 03.03.2020 is set aside.

Let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Nawada, in connection with Rajauli P.S. Case No.165 of 2019.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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