

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.238 of 2021

Arising Out of PS. Case No.-579 Year-2020 Thana- NATHNAGAR District- Bhagalpur

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1. Manish Yadav, (Male), aged about 25 years, Son of Sri. Bablu Yadav, Resident of Mohalla-Maskant Bariyarpur, Ramjani Fakir Lane, P.S.-Nathnagar, District - Bhagalpur.
 2. Akshay Yadav (Male), aged about 20 years, Son of Sri. Bablu Yadav, Resident of Mohalla-Maskant Bariyarpur, Ramjani Fakir Lane, P.S.-Nathnagar, District - Bhagalpur.
 3. Mala Devi (Female), aged about 45 years, Wife of Sri. Bablu Yadav, Resident of Mohalla-Maskant Bariyarpur, Ramjani Fakir Lane, P.S.-Nathnagar, District - Bhagalpur.
 4. Bablu Yadav, (Male), aged about 50 years, Son of Late Banarsi Yadav, Resident of Mohalla-Maskant Bariyarpur, Ramjani Fakir Lane, P.S.-Nathnagar, District - Bhagalpur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Navjot Yesu, Advocate.
For the Respondent : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, learned counsel for the appellants is



permitted to make necessary corrections in paragraph no. 1 and prayer portion of the present Criminal Appeal.

The matter relates to grant of anticipatory bail to the appellants in connection with Nathnagar P.S. Case No. 579/2020, registered for the offences under Sections 341, 323, 504, 506/34 of the I.P.C. and Sections 3(i)(r)(s) of the SC/ST Act.

The prosecution case, in short, is that on 27.05.2020 at 7.30 P.M. Chhotu Kumar and Bittu Kumar were going to a shop then Manish (appellant no. 1) stopped and started assaulting them. The informant and his daughter brought his son to his home. Thereafter, all the appellants came armed with Iron Chain, Iron rod, Bamboo, Lathi etc., and started abusing the informant and his family members. The cloth of the informant's son was torn and started oozing blood. He also sustained injury in his eyes. The informant came to know from Chhotu Kumar and Bittu Kumar that earlier scuffle took place between Manish Yadav (appellant no. 1) and Praveen Yadav in which Chhotu Kumar and Bittu Kumar were asked to give false witnesses but they refused to do the same. A Panchayati was also held on 29.05.2020 in which it was ordered that such type of occurrence should not be done further. Again on 23.08.2020 at about 6.30



P.M., all the appellants came at the door of the informant and started abusing the informant and his family members and also given threatening to kill them.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. The appellant no. 3 is a lady. The alleged occurrence is said to have taken place on 23.08.2020 as to when the case was instituted on 24.09.2020. Delay has not been explained by the prosecution. No grievous injury is said to have been caused in course of occurrence. The alleged occurrence has not taken place in public view. Hence, no offence under 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.

In view of the aforesaid facts and circumstances, the order dated 04.11.2020, passed in connection with Nathnagar P.S. Case No. 579/2020 by learned Additional District and Sessions Judge-3rd-cum-Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Bhagalpur, is set aside. The criminal appeal is allowed.



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 their personal bond to the satisfaction of the learned Additional District and Sessions Judge-3rd-cum-Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Bhagalpur, in connection with Nathnagar P.S. Case No. 579/2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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