

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.432 of 2021**

Arising Out of PS. Case No.-23 Year-2020 Thana- SC/ST District- Lakhisarai

-
1. Prakash Yadav, (M), aged about 30 years, S/O Late Shyamdeo Yadav, Resident Of Village Gunsagar, P.S Tetarhat, District Lakhisarai.
 2. Bal Kishun Yadav (M), aged about 70 years, S/O Tegan Yadav, Resident Of Village Gunsagar, P.S Tetarhat, District Lakhisarai.
 3. Vikash Yadav (M), aged about 22 years, S/O Bal Kishun Yadav, Resident Of Village Gunsagar, P.S Tetarhat, District Lakhisarai.
 4. Subodh Yadav (M), aged about 35 years, S/O Prayag Yadav, Resident Of Village Gunsagar, P.S Tetarhat, District Lakhisarai.
 5. Nawal Yadav, (M), aged asbout 36 years, S/O Dhorik Yadav, Resident Of Village Gunsagar, P.S Tetarhat, District Lakhisarai.
 6. Sopari Yadav @ Ramashray Yadav (M), aged about 50 years, S/O Joga Yadav @ Jago Yadav @ Jago Jadav, Resident Of Village Gunsagar, P.S Tetarhat, District Lakhisarai.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants	:	Mr.Parmanand Pd. Nr. Sahi, Advocate.
For the Respondent	:	Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 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.

Learned counsel for the appellants seeks permission



to withdraw the present appeal filed for grant of anticipatory bail to appellant no. 2, namely, Bal Kishun Yadav, as he has already been taken into judicial custody in connection with Lakhisarai SC/ST P.S. Case No. 23 of 2020, pending in the court of learned Special Judge, SC/ST, Lakhisarai.

Permission is accorded.

Accordingly, the present appeal filed for grant of anticipatory bail to appellant no. 2, namely, Bal Kishun Yadav, is dismissed as withdrawn.

Now the matter relates to grant of anticipatory bail to the appellant nos. 1, 3, 4, 5 and 6 in connection with Lakhisarai SC/ST P.S. Case No. 23/2020, registered for the offences under Sections 147, 149, 323, 325, 341, 504/34 of the I.P.C. and 3(i)(r) (s) of the SC/ST Act.

The prosecution case, in short, is that the informant was constructing his house and he had stored water in *Gadha* after purchasing the same from one Ram Bilash Yadav. In the meantime, Prakash Yadav (petitioner) came with *Buffalo* and allowed to drink the water after entering into the water tank. On objection, they threatened him. It is further stated that on 16.05.2020 at 5.30 A.M., the accused persons came and assaulted many persons.



It has been submitted on behalf of the appellant nos. 1, 3, 4, 5 and 6 that they 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 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 appellant nos. 1, 3, 4, 5 and 6 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 05.09.2020, passed in A.B.P. No. 533 of 2020 in connection with Lakhisarai SC/ST P.S. Case No. 23 of 2020 by learned Special Judge, SC/ST, Lakhisarai, is set aside, only against appellant nos. 1, 3, 4, 5 and 6. The criminal appeal is allowed with regard to appellant nos. 1, 3, 4, 5 and 6.

Accordingly, the appellant nos. 1, 3, 4, 5 and 6, above named, (except appellant no. 2, namely, Bal Kishun Yadav) in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned Special Judge,



SC/ST, Lakhisarai, in connection with Lakhisarai SC/ST P.S.
Case No. 23 of 2020.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

