

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1089 of 2021

Arising Out of PS. Case No.-123 Year-2020 Thana- HISUWA District- Nawada

1. AKHILESH YADAV Son of Narayan Yadav Resident of Village - Modi Bigha, Police Station - Hisua, District - Nawada.
2. KAMLESH YADAV Son of Narayan Yadav Resident of Village - Modi Bigha, Police Station - Hisua, District - Nawada.
3. SHAILENDRA YADAV Son of Fulli Yadav Resident of Village - Modi Bigha, Police Station - Hisua, District - Nawada.
4. SUNIL YADAV Son of Fulli Yadav Resident of Village - Modi Bigha, Police Station - Hisua, District - Nawada.
5. PAWAN YADAV @ PAWAN KUMAR Son of Janardan Yadav Resident of Village - Modi Bigha, Police Station - Hisua, District - Nawada.
6. SONU YADAV Son of Fulli Yadav Resident of Village - Modi Bigha, Police Station - Hisua, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar
For the Respondent/s : Mr.A.G

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

ORAL ORDER

2 29-10-2021 Heard the learned counsel for the appellants.

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 25.09.2020, passed by learned Additional District &

Sessions Judge, Ist-cum-Special Judge, Nawada, in connection with Hisua P.S. Case No. 123 of 2020, registered under Sections 341, 323, 504, 506, 308/34 of the Indian Penal Code and Section 3(i)(r)(s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is alleged that the appellants along with some other persons assaulted and abused the informant in filthy words. Appellant No.2 assaulted on his head with *lathi*. Appellant No.5 and 6 assaulted on the leg of the informant.

Learned counsel for the appellants has submitted that the members of informant's side have badly assaulted the family members of appellants and in this regard on the same day, Hisua P.S. Case No.125 of 2020 has been lodged by Rohit Kumar against the members of informant's side. The Xerox copy of the FIR of that case has been annexed with the record. The injury report annexed with the record shows that the members of informant's side as well as appellant's side both sustained simple injuries.

Considering the allegation and counter allegation, it appears that it is a feud between both the parties and there is nothing on the record which establishes prima facie that the appellants committed the act due to malicious feeling of the caste.

Considering the facts and circumstances of the case, the Appeal is allowed and the impugned order dated 25.09.2020 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 learned Additional District & Sessions Judge, Ist-cum-Special Judge, Nawada, in connection with Hisua P.S. Case No. 123 of 2020.

Office shall ensure that all defects are removed and compliance with the notices of this Court are made 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)

sanjeev/-

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