

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.709 of 2021**

Arising Out of PS. Case No.-70 Year-2020 Thana- SC/ST District- Bhojpur

1. BABITA DEVI LATE LAXMAN YADAV R/O VILL SALEMPUR PS ARA MUFFSIL DIST BHOJPUR
2. AJAY YADAV LATE LAXMAN YADAV VILL SALEMPUR
3. ADITYA YADAV LATE LAXMAN YADAV VILL SALEMPUR PS ARA MUFFSIL DIST BHOJPUR

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Adv.
For the Respondent/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-10-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the appellants and learned Special P.P. for the State.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 14.10.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge SC/ST Act, Bhojpur at Ara in connection with S.C./S.T P.S. Case No. 70 of 2020 registered under Sections 147, 149, 323, 354(B), 448, 307, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the



appellants has been rejected.

According to the prosecution case, altogether nine accused persons variously armed with deadly weapons entered into the house of the informant and assaulted the informant and his family members by abusing them by their cast names.

Learned counsel appearing for the appellants submits that the appellants are innocent and have not committed any offence rather they have falsely been implicated in this case. In fact, the appellant No.1 happens to be a widow lady and she along with her two children is separated from his family members. So far as appellant Nos. 2 and 3 are concerned, there is general and omnibus allegation against them and no specific allegation of assault is attributed to them. Moreover, no specific case under Sections 354(B) and 307 of the Indian Penal Code is made out against these appellants. Hence, the appellants, who are of clean antecedents, may be granted the privilege of pre-arrest bail.

Learned Special Public Prosecutor for the State has, vehemently, opposed the prayer for pre-arrest bail of the appellants.

Considering the facts and circumstances of the case, let the, above named, appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two



sureties of the like amount each to the satisfaction of the learned
1st Additional Sessions Judge -cum- Special Judge, SC/ST Act,
Bhojpur at Ara in connection with S.C/S.T. P.S. Case No. 70 of
2020 subject to the conditions laid down under Section 438(2) of
the Cr.P.C.

The impugned order dated 14.10.2020 passed in
A.B.P. No. 1990 of 2020 is set aside. Accordingly, the instant
appeal is allowed,

(Rajesh Kumar Verma, J)

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