

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.446 of 2021

Arising Out of PS. Case No.-346 Year-2020 Thana- RAJAOLI District- Nawada

1. VIKASH KUMAR Son of Rooplal Prasad Yadav Resident of Village - Chhatani, P.s.- Rajauli, Dist.- Nawada.
2. Rooplal Prasad Yadav Son of Late Bhatu Prasad Yadav Resident of Village - Chhatani, P.s.- Rajauli, Dist.- Nawada.
3. Ranjit Yadav Son of Naresh Yadav Resident of Village - Damodara, P.s.- Atri, Distt.- Gaya.
4. Jitendra Kumar Son of Rooplal Prasad Yadav Resident of Village - Murkatta, P.S.- Hisua, Dist.- Nawada.
5. Dinesh Kumar Son of Mahendra Chaudhary Resident of Village - Murkatta, P.S.- Hisua, Dist.- Nawada.
6. Dharmraj Chaudhary Son of Mithu Chaudhary Resident of Village - Murkatta, P.S.- Hisua, Dist.- Nawada.
7. Ashish Yadav Son of Kailash Yadav Resident of Village - Ramdashi, P.S.- Rajauli, Dist.- Nawada.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Krishna Deo Raj
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2021 Learned counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard the parties through virtual mode.

The matter relates to grant of bail to the appellants in connection with Special Case No. 161 of 2020 arising out of Rajauli P.S. Case No. 346 of 2020 registered for the offences



under Sections 147, 323, 341, 342, 376/511, 427, 448 of the Indian Penal Code, 27 of the Arms Act and Sections 3(i)(r)(s)(w) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, at night while the informant and her family members after taking supper were sleeping, the accused persons started abusing taking her caste name. On protest, the accused persons having broken the door, entered the house and damaged three rooms. Firing is also alleged to have been made. It is also alleged that the accused persons tried to outrage the modesty of daughter-in-law of the informant.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants are in custody since 17-08-2020. General and omnibus allegation has been made against the appellants. No specific overt act is alleged to have been made against the appellants. The allegation against the appellant No. 1 is that he fired but the same did not hit anyone. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants



are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 19-09-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, (SC & ST POA Act), Nawada in Special Case No. 161 of 2020 arising out of Rajauli P.S. Case No. 346 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, (SC & ST POA Act), Nawada in connection with Special Case No. 161 of 2020 arising out of Rajauli P.S. Case No. 346 of 2020.

(Sudhir Singh, J)

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