

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.902 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- SC/ST District- Lakhisarai

1. GULGUL YADAV @ AJIT YADAV @ AJIT KUMAR Son of Ramotar Yadav Resident of Village- Navabganj, P.S.- Surajgarha, District- Lakhisarai.
2. Rasgul Yadav Son of Ramotar Yadav Resident of Village- Navabganj, P.S.- Surajgarha, District- Lakhisarai.
3. Golu Yadav Son of Gulgul Yadav @ Ajit Yadav @ Ajit Kumar Resident of Village- Navabganj, P.S.- Surajgarha, District- Lakhisarai.
4. Dhodhal Yadav S/o Late Musan Yadav Resident of Village- Navabganj, P.S.- Surajgarha, District- Lakhisarai.
5. Sonelal Yadav S/o Late Bahadur Yadav Resident of Village- Navabganj, P.S.- Surajgarha, District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manohar Prasad Singh
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 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 after restoration of normalcy.

The appellants have challenged the order dated
02.09.2020 passed by learned 1st Additional District and
Sessions Judge-cum- Special Judge, SC/ST, Lakhisarai in ABP
No. 610 of 2020 in connection with Lakhisarai SC/ST P.S. Case



No. 39/2020 registered for the offences under sections 147,149, 341, 323, 504, 506 of the Indian Penal Code and 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that on trivial issue, the accused persons assaulted the informant and family members and also abused by taking their caste name.

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 have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the side of the accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the



appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 02.09.2020 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Lakhisarai in ABP No. 610 of 2020 in connection with Lakhisarai SC/ST P.S. Case No. 39/2020, is set aside.

The appeal stands allowed.

Let the appellants above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 39/2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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.

Pankaj/-

(Sudhir Singh, J)

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