

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.778 of 2021**

Arising Out of PS. Case No.-8 Year-2018 Thana- SC/ST District- Jehanabad

1. HARI NARAYAN YADAV Son of Laldev Yadav Resident of Village- Bakhadari Tari, P.S.- Karpi, District- Arwal.
2. Lakhan Yadav Son of Hari Narayan Yadav Resident of Village- Bakhadari Tari, P.S.- Karpi, District- Arwal.
3. Jaigovind Yadav Son of Laldev Yadav Resident of Village- Bakhadari Tari, P.S.- Karpi, District- Arwal.
4. Lallu Yadav Son of Hari Narayan Yadav Resident of Village- Bakhadari Tari, P.S.- Karpi, District- Arwal.
5. Surajmal Yadav Son of Sri Bhagwan Yadav Resident of Village- Bakhadari Tari, P.S.- Karpi, District- Arwal.
6. Doman Yadav @ Ramanand Yadav Resident of Village- Bakhadari Tari, P.S.- Karpi, District- Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 30-06-2021 Heard Mr. Umesh Kumar, learned counsel for the appellants and learned Ms. Usha Kumari, learned Special P.P. for the State.

The appellants have challenged the order dated 19.10.2020 passed by the learned Additional Sessions Judge -I, Jehanabad in A.B.P. No. 1098 of 2020 arising out of Arwal SC/ST P.S. Case No. 08/2018, whereby the prayer made on behalf of the appellants for grant of anticipatory



bail for the offences under Sections 341, 323, 354(B), 504, 506 and 34 of the Indian Penal Code and under Section 3(2)(va) of SC/ST (POA) Act has been rejected.

It has been alleged in the First Information Report that the appellants and others assaulted the informant at her shop and whoever came to her rescue was also assaulted.

The learned counsel for the appellants has submitted that there is a dispute between members of two communities and this is a fallout of aforesaid dispute. The police, however, after investigation found the case to be untrue but the learned Special Judge, differing with the police report has taken cognizance under various sections of the Indian Penal Code and under SC/ST (POA), Act.

Learned counsel for the appellants has submitted that no case is made out either under anyone of the provisions of the I.P.C. or under the SC/ST (POA), Act.

For the reasons afore-stated, the order dated 19.10.2020 passed by the learned Additional Sessions Judge -I, Jehanabad is set aside.

The appeal stands allowed.



The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge -I, Jehanabad in connection with Arwal SC/ST P.S. Case No. 08/2018.

(Ashutosh Kumar, J)

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