

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5131 of 2019

Arising Out of PS. Case No.-28 Year-2015 Thana- SC/ST District- Supaul

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1. BALVIR YADAV Son of Devnandan Yadav Resident of Village - Chhoti Kusmaul, P.S.- Marauna, District- Supaul
 2. Shyam Mukhiya @ Shyam Nandan Mukhiya Son of Late Ramswarup Mukhiya Resident of Village - Pandaypatti Bhaluahi, P.S.- Marauna, District- Supaul

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shiv Kumar Sada Son of Late Lakhan Sada Resident of Village - Badki Kusmaul, P.S.- Marauna, District- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amar Nath Yadav, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-03-2021 Heard both sides.

The appellants filed this appeal under Section 14(A)(2) of the S.C./S.T. Act against the order dated 27.09.2019 passed by learned Additional Sessions Judge I-cum-Special Judge, Supaul by which the anticipatory bail of the appellants has been rejected in Supaul S.C./S.T. Case No.28 of 2015 registered under Sections 147, 341, 323, 379, 504, 506 of the Indian Penal Code and under Section 3(i)(iii)(vii)(x) of the S.C./S.T. Act.

The learned counsel for the appellants submits that occurrence took place on 05.11.2015 but the F.I.R. was lodged on 10.11.2015. The informant made omnibus allegation of abuse



and assault. Nobody was injured but it appears from the F.I.R. itself that the appellants intercepted the informant and others while they were returning after casting votes and when the informant disclosed that he caste his vote in favour of a party, the appellants are said to have abused and assaulted the informant and others. The case is of the year 2015 and the appellants moved this Court only after four years of the occurrence.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the appellants on anticipatory bail. Accordingly, the same is rejected. The appeal is dismissed.

(Prabhat Kumar Jha, J)

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