

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1791 of 2022

Arising Out of PS. Case No.-37 Year-2020 Thana- BHANGHA District- West Champaran

1. YOGENDRA YADAV SON OF LATE GANGA YADAV R/O- VILL-KAMALANAGAR (CHAUHATA), P.S.- MANPUR, DIST.- WEST CHAMPARAN
2. JANGBAHADUR YADAV SON OF LATE GANGA YADAV R/O- VILL-KAMALANAGAR (CHAUHATA), P.S.- MANPUR, DIST.- WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. JAYNATHI DEVI WIFE OF JAYRAM MAHTO R/O- VILL-KAMALANAGAR P.S.- MANPUR, DIST.- WEST CHAMPARAN AT PRESENT R/O- MOHALLA- RAMPUR MISSION , P.S.- BHANGAHA, DIST.- WEST CHAMPARAN, BETTIAH

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-11-2022 Heard learned counsel for the appellants and

learned Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.05.2022 in A.B.P. No. 1106 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with



Bhangaha P.S. Case No. 37 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 307, 354 and 504 of the Indian Penal Code as well as Sections 3(1)(r)(s), 2(v)(a) of the SC/ST Act.

Learned counsel for the appellants seeks permission to withdraw the present appeal in respect appellant no. 1.

Permission is accorded.

The informant alleges that Yogendra Yadav gave lathi blow causing injury on head of the husband of the informant, thereafter, accused Jangbahadur assaulted the son of the informant on body, it is further alleged that the reason for the occurrence is that the accused Yogendra had made a house 100 metres away from the house of the informant and thus wanted the informant to vacate his premises.

Learned counsel for the appellant no. 2 submits that the appellant no. 2 has antecedent of two cases and has been falsely implicated in the present case, it is next submitted that though there is allegation of assault against the son of the informant but then the FIR does not disclose



as to how and by what the appellant assaulted the son of the informant. Learned counsel next submits that the allegation of assault is general and omnibus in nature for the reason that the informant alleges that the son of the informant was assaulted on his body, it is further submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then the FIR does not even remotely suggest that the occurrence was witnessed by any witnesses and thus the occurrence was not in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 07.05.2022 in A.B.P. No. 1106 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with Bhangaha P.S. Case No. 37 of 2020 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhangaha P.S. Case No. 37 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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