

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2066 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- BHEJA District- Madhubani

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1. Raushan Kumar Yadav Son Of Sri Laxman Yadav R/O Village- Belitola, P.S.- Bheja, District- Madhubani
 2. Laxaman Yadav Son Of Late Sita Ram Yadav R/O Village- Belitola, P.S.- Bheja, District- Madhubani
 3. Suresh Yadav Son Of Late Agam Yadav R/O Village- Belitola, P.S.- Bheja, District- Madhubani
 4. Ganga Prasad Yadav Son Of Late Asarfi Yadav R/O Village- Belitola, P.S.- Bheja, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Kushum Lal Saday Son Of Late Rameshwar Saday R/O Village- Belitola, P.S.- Bheja, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 12.05.2022 passed by learned Succ. Additional Sessions Judge-I-cum-Special Judge, Madhubani in a case registered for the offence punishable under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(v) of the SC/ST Atrocities Act, whereby anticipatory bail of the appellants have been rejected.



It is a case of assaulting, abusing and threatening to the informant by the appellants along with other accused persons.

It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention of the appellant to insult the informant who is a member of the SC/ST community. There is general and omnibus allegation against the appellants and there is case and counter case between the parties.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 12.05.2022 passed in ABP No.405 of 2022 is hereby set aside.

The appellants are directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Succ. Additional Sessions Judge-I-cum-Special Judge, Madhubani in connection



with Bheja P.S. case No. 108 of 2021, G.R. No.173 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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