

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.73 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- LAKHISARAI District- Lakhisarai

1. Kaushal Yadav Son of Nandu Yadav Resident of Village - Fulaiya, Police Station - Ramgarh Chowk, District - Lakhisarai.
2. Nandu Yadav Son of Arjun Yadav Resident of Village - Fulaiya, Police Station - Ramgarh Chowk, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Bimal Paswan Son of Late Bajo Paswan Resident of Village-Phulaiya, Police Station-Ramgarh Chauck, District-Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar
For the Respondent/s : Ms. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-04-2022 Heard learned counsel for the appellants and learned Special P.P. for the State. Nobody appears on behalf of respondent no.2.

The office points out that the notice has been validly served upon respondent no.2.

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 of anticipatory bail vide order dated 14.09.2020, passed by learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Lakhisarai in connection with



Lakhisarai (Ramgarh Chowk) P.S. Case No.294 of 2020, registered under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code, Section 27 of the Arms Act as well as under Sections 3(2)(v) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that specific allegation is against co-accused, Jamuna Yadav who fired upon the deceased, son of the informant. It is submitted that the allegation against the appellants is that the appellants are the members of the mob. It is submitted that appellant no.1 has got no criminal antecedent whereas appellant no.2 has got one criminal antecedent as stated in paragraph 3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Taking into consideration the fact that specific allegation is against Jamuna Yadav, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-



Special Judge (SC/ST), Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No.294 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J.)

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