

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.483 of 2021

Arising Out of PS. Case No.-187 Year-2020 Thana- MAHARAJGANJ District- Siwan

1. KAMLESH YADAV Son of Ramashankar Yadav Resident of Village - Jigarahawa, P.S.- Maharajganj, District - Siwan.
2. Sandeep Yadav Son of Ashok Yadav Resident of Village - Jigarahawa, P.S.- Maharajganj, District - Siwan.
3. Akhilesh Yadav Son of Dharmanath Yadav Resident of Village - Jigarahawa, P.S.- Maharajganj, District - Siwan.
4. Sanjay Yadav Son of Vidya Yadav Resident of Village - Jigarahawa, P.S.- Maharajganj, District - Siwan.
5. Ramashankar @ Ramashankar Yadav Son of Late Bindeshwari Yadav Resident of Village - Jigarahawa, P.S.- Maharajganj, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay maghi Vakil maghi Village-Jigarahawa,P.S-Maharajganj,District-Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramadhar Shekhar
For the Respondent/s : Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-04-2022 Heard learned counsel for the parties.

Learned counsel for the appellants has filed the supplementary affidavit in which it is stated that the respondent no. 2 and his father are living together, so the notice issued to the respondent no. 2 may be accepted as valid.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 16.10.2020, passed by



learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Maharajganj P.S. Case No. 187 of 2020, registered under Sections 341, 323, 324, 307, 504, 506, 34 of the IPC and Sections 3 (i) (r) (s) of the SC/ST Act.

Appellants are said to have abused and assaulted the informant.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is case and counter case between the parties and both sides have sustained injury. He submits that there is general and omnibus allegation levelled against the appellants. He submits that the injury found upon the victim is simple in nature. He further submits that appellant no. 4 has one criminal antecedent whereas rest of the appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Maharajganj P.S. Case No. 187 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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