

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4398 of 2021**

Arising Out of PS. Case No.-101 Year-2020 Thana- HASPURA District- Aurangabad

1. Ashok Yadav @ Ashok Kumar, S/O Basudev Yadav R/O Village- Mahadipur, P.S.- Haspura, District- Aurangabad
2. Yogendra Yadav @ Yogendra Kumar, S/O Sukhadi Yadav R/O Village- Mahadipur, P.S.- Haspura, District- Aurangabad

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh

For the Respondent/s : Ms. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 16-11-2022 Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 01.10.2021 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad in connection with Haspura P. S. Case No.101 of 2020, instituted for the offences under Sections 341, 323, 325, 324, 504/ 34 of the Indian Penal Code and Section 3(i)(r)(s)/ 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits



that appellants are persons with clean antecedent and the informant alleges that on account of dispute relating to toddy, the elder brother of the informant was abused and assaulted leading to injury on left leg.

The learned counsel for the appellants submits that the appellants have been falsely implicated in the present case. It is next submitted that similarly situated co-accused Nawal Yadav @ Nawal Kishore Yadav along with two others have been granted anticipatory bail by order dated 26.02.2021 in Cr. Appeal (SJ) No.2170 of 2020. It is next submitted that even the allegation prima facie does not make out an offence, nor the F.I.R. even remotely suggest that the brother of the informant disclosed to him about the occurrence, nor the occurrence was in public view.

The learned Special P.P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 01.10.2021 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on



their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad in connection with Haspura P. S. Case No.101 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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