

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4893 of 2021**

Arising Out of PS. Case No.-280 Year-2021 Thana- GHOSI District- Jehanabad

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1. RAJVALLABH YADAV S/o- Sita Yadav Resident of Village - Sheikhpura, Police Station - Ghoshi, District - Jahanabad.
 2. Niraj Kumar S/o- Rajvallabh Yadav Resident of Village - Sheikhpura, Police Station - Ghoshi, District - Jahanabad.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ram Vinay Das son of Dularchand Das Resident of village-Bhadopur,P.S-Ghosi,District-Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjay Kumar Singh
For the Respondent/s : Ms. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 22-09-2022 The learned counsel for the appellants is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 26.11.2021 passed by the learned Additional District and Sessions Judge-1st, Jehanabad registered for offence punishable under sections 341, 323, 325, 307,



379, 504 and 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) and 3(2) (v) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the marriage party of the brother of the informant was staying in community hall of the village. The appellants along with co-accused persons came there. They abused the members of *Barat* party by calling their names and assaulted them. They also snatched the ornaments and cash.

The learned counsel for the appellants has submitted that the appellants have falsely been implicated due to previous enmity. The occurrence has taken place at 08:30 A.M., but the FIR has been lodged on the next day at 04:45 P.M. The appellants are the persons of clean antecedents and the injuries are simple in nature.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the injury suffered by the injured persons are on vital part.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 26.11.2021 is set aside.

Accordingly, the appellants, in the event of arrest or surrender before the court below within four weeks from today, are



directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st, Jehanabad in connection with Ghoshi Police Station Case No. 280 of 2021.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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