

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3977 of 2022**

Arising Out of PS. Case No.-287 Year-2022 Thana- BARUN District- Aurangabad

1. Vikash Yadav S/O Yaggan Yadav R/V- Bagathari Murara, P.S.- Murara, District- Jaunpur (U.P)
2. Aparval Kumar S/O Ram Bachan R/V- Hinauti, Gaighat, P.S.- Chakiya, District- Chandauli (U.P.)

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 08-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 07.09.2022 passed by learned 1st Additional District & Sessions Judge Cum-Special (SC/ST), Aurangabad in ABP No. 1531 of 2022 whereby the prayer for bail of the appellants in connection with Barun P.S. Case no. 287 of 2022 under Sections 147, 148, 149, 341, 504, 353, 506 of the Indian Penal Code and sections 3(I)(r)(s) 3(2)(va) of SC/ST (POA) Act was rejected.

Allegations against the appellants are of abusing by taking the caste name of the informant and creating the



hindrance in discharging the duties of police official.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous election dispute and dirty village politics. They have got no criminal antecedent. It is further submitted that no offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image. It is further submitted that the appellants are made victim in this because they are owner and driver of the vehicle in question.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 07.09.2022 passed in A.B.P. No. 1531 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Barun P.S. Case No. 287 of 2022 in the event of arrest or surrender before the court below within a period of four



weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge Cum-Special Judge (SC/ST) Aurangabad.

(Sunil Kumar Panwar, J)

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