

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5732 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- NALANDA District- Nalanda

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1. Lal Babu Yadav @ Ashutosh Kumar Son of Shushil Yadav @ Shushil Prasad Resident of Village - Mohanpur, P.S.- Nalanda, District- Nalanda.
 2. Gopal Pandey Son of Kaushalendra Pandey Resident of Village - Mohanpur, P.S.- Nalanda, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sanjay Paswan son of Late Deo Paswan Resident of village- Mohanpur, P.S. and District- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Giridhar Gopal Tiwary
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 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 25.09.2019, passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Nalanda P.S. Case



No.109 of 2019, registered under Sections 147, 149, 323, 325, 307, 354, 379 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) 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. There is general and omnibus allegation against the appellants. It is further submitted that for the same occurrence, two First Information Reports have been registered by two different persons inasmuch as apart from the present FIR, another FIR has been registered, bearing SC/ST P.S. Case No.34 of 2019. It is submitted that the specific allegation of assault upon the informant is against co-accused Dablu Kumar. It is also submitted that similarly situated co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.01.2021, passed in Criminal Appeal (SJ) No.119 of 2020.

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

Taking into consideration the fact that similarly situated other co-accused persons have already been enlarged on anticipatory bail, 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 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Nalanda P.S. Case No.109 of 2019, 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.)

Sanjay/-

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