

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1605 of 2021**

Arising Out of PS. Case No.-181 Year-2020 Thana- DAUDPUR District- Saran

1. SUNIL YADAV SON OF SWAMINATH YADAV RESIDENT OF VILLAGE- GOBRAHI KE TOLA, P.S. DAUDPUR, DISTT.- SARAN AT CHAPRA
2. PRINCE YADAV SON OF INDRADEO YADAV RESIDENT OF VILLAGE- GOBRAHI KE TOLA, P.S. DAUDPUR, DISTT.- SARAN AT CHAPRA
3. REKHA DEVI W/O INDRADEO YADAV RESIDENT OF VILLAGE- GOBRAHI KE TOLA, P.S. DAUDPUR, DISTT.- SARAN AT CHAPRA
4. PAWAN YADAV @ PAWAN KUMAR YADAV SON OF NAGARJEET YADAV RESIDENT OF VILLAGE- GOBRAHI KE TOLA, P.S. DAUDPUR, DISTT.- SARAN AT CHAPRA
5. LAL MUNI DEVI @ SHARDA DEVI W/O BALISTER YADAV RESIDENT OF VILLAGE- GOBRAHI KE TOLA, P.S. DAUDPUR, DISTT.- SARAN AT CHAPRA
6. HARERAM YADAV SON OF BALISTER YADAV RESIDENT OF VILLAGE- GOBRAHI KE TOLA, P.S. DAUDPUR, DISTT.- SARAN AT CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandlal Ram Late Ramdutt Ram R/O Vill- Gobarahi tola, P.S - Daudpur ,

... .. Respondent/s

**Appearance :**

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| For the Appellant/s  | : | Mr.Nawal Kishore Singh, Adv. |
| For the Respondent/s | : | Mr.Sadanand Paswan, Spl.P.P. |
|                      | : | Mr.Raushan, Adv.             |
|                      | : | Mr.Abhay Kumar, Adv.         |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      22-02-2023      Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

This is an appeal under section 14 A 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 anticipatory bail vide order dated 15.10.2020, passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Daudpur P.S. Case No.181 of 2020, registered u/s 147/149/323/379/354/504/506/447 of the IPC and sections 3(2)(Va) of the SC/ST Act.

As per the prosecution case, appellants along with other F.I.R. named accused persons came to the informant's house and abused and assaulted the informant's side.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. There is no specific overt act against the appellants rather the allegation is general and omnibus in nature. The specific allegation is against the co-accused Raja Yadav and Balister Rai. It is further submitted that for the alleged occurrence, there is case and counter-case



between the parties and both sides have sustained injuries.  
Appellants have no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that the appellants have also participated in the alleged offence.

Considering the facts and circumstances of the case, let the appellants named above, 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 bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Daudpur P.S. Case No.181 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 this appeal is allowed.

**(Anjani Kumar Sharan, J)**

pallavi/-

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