

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.758 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- GWALPARA District- Madhepura

1. SHAMBHU YADAV Son of Late Mahanthi Yadav Resident of Village - Biswari, P.s.- Gwalpara, Distt.- Madhepura.
2. Krishna Kumar Yadav @ Jaikant Yadav Son of Late Mahanthi Yadav Resident of Village - Biswari, P.s.- Gwalpara, Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Santu Kumar Ram Son of Late Shyam Lal Ram Resident of Village - Biswari, Ward no.4P.s.- Gwalpara, Distt.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Sinha, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-01-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

In compliance of the order of this Court, notice was validly served upon respondent no.2 but nobody appears on his behalf.

This is an appeal under section 14 A (2) 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 19.01.2022, passed by learned Additional District and Sessions Judge-I,-cum-Spl. Judge, Madhepura, in connection with



Gwalpara P.S. Case No.96 of 2021, registered u/s 147, 148, 149, 341, 323, 324, 384, 307, 302 of the IPC, section 27 of the Arms Act and sections 3(2)(v)/ 3(2)(va) of the SC/ST Act.

As per F.I.R., due to non-fulfillment of demand of a ransom of Rs.5 Lakhs, the informant's father was assaulted by Janeshwar Yadav and his 20-22 associates, who were hiding at the house of one Brahmdeo Yadav. They assaulted him with the butt of rifle, rod, knife, dagger etc. which ultimately lead to the death of informant's father.

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. Appellants have no criminal antecedent and similarly situated co-accused namely Bidur Kumar @ Bidur Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.914 of 2022.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since



similarly situated co-accused has been granted anticipatory bail, 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 Additional District and Sessions Judge-I,-cum-Spl. Judge, Madhepura, in connection with Gwalpara P.S. Case No.96 of 2021, 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)

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