

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2205 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- SHIVSAGAR District- Rohtas

1. YAMUNA YADAV Son of Late Sijaga Yadav Resident of Village- Kirhindi, Police Station- Shivsagar, District- Rohtas, Sasaram
2. Vishnu Yadav @ Chandradhan Yadav Son of Yamuna Yadav Resident of Village- Kirhindi, Police Station- Shivsagar, District- Rohtas, Sasaram
3. Jai Prakash Yadav @ Krishna Bihari Son of Yamuna Yadav Resident of Village- Kirhindi, Police Station- Shivsagar, District- Rohtas, Sasaram
4. Sribhagwan Yadav @ Bhagwan Yadav Son of Yamuna Yadav Resident of Village- Kirhindi, Police Station- Shivsagar, District- Rohtas, Sasaram
5. Janardan Yadav Son of Yamuna Yadav Resident of Village- Kirhindi, Police Station- Shivsagar, District- Rohtas, Sasaram
6. Om Prakash Yadav @ Om Prakash Kumar Son of Yamuna Yadav Resident of Village- Kirhindi, Police Station- Shivsagar, District- Rohtas, Sasaram
7. Nitish Kumar Yadav @ Nitish Kumar Son of Janardan Yadav Resident of Village- Kirhindi, Police Station- Shivsagar, District- Rohtas, Sasaram

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Manoj Ram Awadh Ram Resident of Village- Kirhindi, P.S.- Shivsagar, District- Rohtas(Sasaram)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the Office within four weeks.

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 04.02.2021, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Shivsagar P.S. Case No.147 of 2020, registered u/s 147, 148, 149, 302, 120(B) of the IPC; under section 27 of Arms Act and sections 3(2)(V) of the SC/ST Act.

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. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no specific overt act against the appellants. He further submits that there is a compromise between the parties and this fact is also supported by the learned counsel for the respondent no.2. Appellants have no criminal antecedent.

Considering the facts and circumstances of the case, as there is a compromise between the parties, 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 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Shivsagar P.S. Case No.147 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)

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