

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3629 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- EKMA District- Saran

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1. CHANDAN YADAV SON OF CHANDRIKA YADAV Resident of Village - Hussepur, P.s.- Ekma, Dist.- Saran at Chapra.
 2. SHAILESH YADAV SON OF MADAN YADAV Resident of Village - Hussepur, P.s.- Ekma, Dist.- Saran at Chapra.
 3. BRIJKISHOR YADAV SON OF MAHANGU YADAV Resident of Village - Hussepur, P.s.- Ekma, Dist.- Saran at Chapra.
 4. CHANDRIKA YADAV SON OF LATE LAL BIHARI YADAV Resident of Village - Hussepur, P.s.- Ekma, Dist.- Saran at Chapra.
 5. BHOLA YADAV SON OF LATE ANANT YADAV Resident of Village - Hussepur, P.s.- Ekma, Dist.- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Jhuni Devi wife of Dhuman Manjhi resident of village- Hussepur, P.S.- Ekma, District- Saran.

... .. Respondent/s

Appearance :

For the Appellants : Mr. Rabindra Kumar Tiwari, Advocate
For the State : Ms. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 11.07.2022, notice was issued to respondent no.2. From perusal of office notes dated 22.03.2023, it appears that notice is validly served upon respondent no.2 through ordinary post, but today nobody appears on behalf of 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 06.10.2020, passed by learned 1st A.D.J.-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Ekma P.S. Case No.159 of 2021, registered under Sections 147, 148, 149, 341, 323, 324, 354, 509, 379/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST (POA) Act.

The appellants alongwith other co-accused persons are said to have abused the informant by naming her caste. The accused persons also assaulted the informant and her family members.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is general and omnibus allegation against the appellants. It is submitted that there is case and counter case between the parties. It is also submitted that the matter has been compromised between the parties (Annexure-3 of the memo of appeal).

Learned Special P.P. for the State opposed the prayer



for grant of anticipatory bail to the appellants.

Taking into consideration the fact that the matter has been compromised between the parties, 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-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Ekma P.S. Case No.159 of 2021, subject to the conditions 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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