

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2866 of 2022

Arising Out of PS. Case No.-35 Year-2020 Thana- PIPRASI District- West Champaran

1. SRIKANT YADAV Son of Jaikishun Yadav Resident of village - Ghorahwa, P.S.- Piparasi, District - West Champaran.
2. Rajesh Yadav Son of Jaikishun Yadav Resident of village - Ghorahwa, P.S.- Piparasi, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kunti Devi Wife of Suresh Gond Resident of village - Ghorahwa, P.S.- Piparasi, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Milind Kumar Mishra, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-06-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

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 for **anticipatory bail** vide order dated 29.07.2022 in A.B.P. No. 1971 of 2022 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge S.C./S.T. Act, Bettiah, West Champaran in connection with Piparasi P.S. Case No. 35 of 2020 registered for the offences punishable under Sections 341, 323, 354(B), 447, 504,



379 and 34 of the Indian Penal Code as well as Sections 3(1)(r) (s)(w)(i) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the police after investigation submitted final form and the learned trial court differing with the police report took cognizance, it is next submitted that when one investigating agency has already found the appellants to be innocent as such no useful purpose would be served by sending them to judicial custody.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants but is not able to rebut the submission of the learned counsel for the appellants that police after investigation submitted final form in favour of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 29.07.2022 in A.B.P. No. 1971 of 2022 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge S.C./S.T. Act, Bettiah, West Champaran in connection with Piparasi P.S. Case No. 35 of 2020 is hereby set aside and the 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



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned court below where the
case is pending/successor court in connection with Piparasi P.S.
Case No. 35 of 2020 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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