

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.114 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- SC/ST District- Banka

-
-
1. Arbind Yadav @ Arvind Yadav Son Of Late Haldhar Yadav Resident Of Bhathkundi, P.S.- Banka, District- Banka
 2. Antram Yadav @ Anant Ram Yadav Son Of Late Sheetal Yadav Resident Of Bhathkundi, P.S.- Banka, District- Banka
 3. Shivan Yadav @ Shivnarayan Yadav Son Of Janardan Yadav Resident Of Bhathkundi, P.S.- Banka, District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Gita Devi Wife of Pradip Harijan Resident of Village- Bhadrar, P.S.- Banka, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamlesh Kumar Pathak
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-06-2023 Heard learned counsel for the appellants,

informant and learned Special P.P for the State.

The appellants have challenged the order dated
29.11.2022 passed by learned Additional Sessions
Judge-I-cum-Special Judge, SC/ST Act, Banka in
connection with Banka SC/ST P.S. Case No. 26 of 2022



instituted for the offences punishable under Sections 147, 149, 323, 354(B), 504, 506 of the Indian Penal Code, and Sections 3(1)(r)(s), 3(2) (VA) of the SC/ST Act whereby their prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that on 14.07.2022 at about 9:00 A.M, the informant was repairing her old soil house and at that time, all the accused persons named in the F.I.R came with lathi, danda and abused her. They started breaking her house. When the informant and her other family members objected then they abused in the name of her caste and assaulted.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. There is general and omnibus allegation against the appellants. For the alleged occurrence of 14.07.2022, the F.I.R was registered on 03.10.2022 without explaining the delay,.



As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellants. The appellants are in custody since 15.11.2022. A statement has been made in para 3 of the petition that appellants have clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 29.11.2022.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act), Banka



in connection with Banka SC/ST P.S. Case No. 26 of
2022.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

