

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.186 of 2023

Arising Out of PS. Case No.-155 Year-2020 Thana- SIKTI District- Araria

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1. RAJESH YADAV @ RAJESH KUMAR YADAV Son of Parmanand Yadav Resident of Village- Singhiya, Ward No.-7, P.S.- Sikty, District- Araria (Bihar)
 2. PAPPU YADAV @ PAPPU KUMAR YADAV Son of Bhutta Yadav Resident of Village- Singhiya, Ward No.-7, P.S.- Sikty, District- Araria (Bihar)
 3. GIRANAND YADAV @ BECHAN YADAV Son of Kinlal Yadav Resident of Village- Singhiya, Ward No.-7, P.S.- Sikty, District- Araria (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjeet Kumar Manjhi Son of Ramanand Manjhi Resident of Village- Singhiya, Ward No.-7, P.S.- Sikti, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 12-07-2023 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 23.11.2022 in A.B.P. No. 2806 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Sikty P.S. Case



No. 155 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that his nephew cut two branches of a fallen tree on which Dinesh assaulted him and when informant went to save him the accused persons assaulted him and Rajesh assaulted him by lathi causing injury on head and Pappu snatched his mobile.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that there is no specific allegation against appellant No. 3 and the allegations as alleged in the FIR does not even remotely suggest that the occurrence was witnessed by any witnesses and thus was not in public view.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 23.11.2022 in A.B.P. No. 2806 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in



connection with Sikty P.S. Case No. 155 of 2020 is hereby set aside and the appellant above-named, in the event of his 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. 5,000/- (Rupees Five Thousand) each 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 Sikty P.S. Case No. 155 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)

Adnan/-

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