

Arising Out of PS. Case No.-376 Year-2024 Thana- SIMRI BAKHTIYARPUR District- Saharsa

- Appellant/s

... .. Respondent/s

For the Appellant/s : Mr. S.M. Ashraf, Sr. Adv
Mr.Rana Hason, Adv
For the Respondent/s : Ms.Usha Kumari 1, Spl. PP
Mr. Upendra Kumar Singh, Adv
Ms. Seema Ghazala, Adv

2. Learned senior counsel for the appellants, at the outset, seeks permission to withdraw the appeal with respect to appellant No. 4, Jawahar Yadav, who was arrested during



pendency of the instant appeal.

3. Permission is accorded.

4. Accordingly, the appeal is dismissed as withdrawn with respect to appellant No. 4, Jawahar Yadav.

5. 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 2-4-2025 in A.B.P. No. 939 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saharsa in connection with Bakhtiyarpur P.S. Case No. 376 of 2024 registered for the offences punishable under Sections 126(2), 115, 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita as well as Section 3(i)(r)(s) of the SC/ST Act.

6. Learned senior counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, *prima facie*, it would manifest that no offence under the SC/ST Act is made out and allegation of assault is not specific against the appellants rather allegation of assault is specific against Suglal Yadav. It is also submitted that parties have compromised and the respondent No. 2 does not intend to pursue the case any further.

7. The learned counsel appearing on behalf of the respondent No. 2 submits that she has instructions not to oppose



the appeal as parties have compromised, on which the learned senior counsel appearing on behalf of the appellants submits that no useful purpose would be served by sending the appellants to jail when the respondent No. 2 does not intend to pursue the case any further.

8. Considering the submission made by respondent No. 2, let the appellants above-named, in the event of their arrest or surrender before the learned trial trial court 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 trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

Sumit/-

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

