

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2050 of 2019**

Arising Out of PS. Case No.-776 Year-2018 Thana- NATHNAGAR District- Bhagalpur

1. Pankaj Yadav S/o Musahru Yadav @ Musahru Prasad Yadav R/o Mohalla-Mohammadpur, P.S.- Madhusudanpur, District- Bhagalpur
2. Manish Yadav S/o Musahru Yadav @ Musahru Prasad Yadav R/o Mohalla-Mohammadpur, P.S.- Madhusudanpur, District- Bhagalpur
3. Vikram Yadav S/o Musahru Yadav @ Musahru Prasad Yadav R/o Mohalla-Mohammadpur, P.S.- Madhusudanpur, District- Bhagalpur
4. Anand Kumar S/o Late Prem Kumar Sharma R/o Mohalla- Mohammadpur, P.S.- Madhusudanpur, District- Bhagalpur
5. Amarjit Kumar S/o Sheshan Choudhary R/o Mohalla- Mohammadpur, P.S.- Madhusudanpur, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed Masleh Uddin Ashraf

For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 22-08-2019 Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 18.02.2019 passed by learned 3rd Addl. District & Sessions Judge cum Special Judge, SC/ST Act, Bhagalpur in Nathnagar (Lalmatia) P.S. Case No. 776 of 2018 registered under Sections 341, 323, 307, 325/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was sitting in the eatery, all the named accused persons including the appellants armed with lathi, rod, pistol etc. descended there and appellant Manish Yadav assaulted on the head of the informant twice by means of rod and appellant Vikram Yadav assaulted on his head by means of butt of the pistol. When the informant stepped out of the eatery and tried to escape, all the accused persons caught him hold giving him chase and appellant Pankaj Yadav resorted firing, but he left unhurt and other accused persons assaulted him by means of rod and pistol making him badly injured. They also slated him in the name of his caste during the course of retreat.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. No motive behind the occurrence is attributed to the appellants. Specific allegation of assault is only against the appellants Manish Yadav and Vikram Yadav while allegation levelled against rest of the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste against



the appellants, hence, they may be enlarged on bail.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that appellants Manish Yadav and Vikram Yadav had assaulted on the head of the informant by means of iron rod and butt of the pistol, respectively, and when the informant started escaping, all the accused persons including rest of the appellants assaulted him by means of iron rod and informant sustained several multiple lacerated wound on his head and six other injuries on his hand, leg etc. Out of which, the injuries on both hands of the informant are grievous in nature as fractured one and moreover appellant no. 1 has three criminal antecedent while appellant no. 3 has four criminal antecedent. Hence, the appellants do not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on anticipatory bail. Accordingly, their prayer is rejected.

However, appellants are directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.



Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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