

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2148 of 2019**

Arising Out of PS. Case No.-22 Year-2018 Thana- LODIPUR District- Bhagalpur

1. Ganouri Yadav S/o Late Niro Yadav @ Kiro Yadav R/o village- Basantpur, P.S.- Lodipur, District- Bhagalpur
2. Gaja Yadav S/o Pradip Yadav R/o village- Basantpur, P.S.- Lodipur, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Rajive Ranjan Singh

For the Respondent/s : Mr. Sadanand Paswan

**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 29.03.2019 passed by learned 3<sup>rd</sup> A.D.J. cum Special Judge, Bhagalpur in Lodipur P.S. Case No. 22 of 2018 registered under Sections 147, 148, 149, 323, 307, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants and other accused persons are said to



have disturbed the cultural programme organized on the occasion of Shivratri. Regarding which, a Panchayati was being held in the village. Fifteen accused persons including the appellants descending there started slating the informant and resorted firing in which informant, Lal Chand Mandal and Pintu Paswan sustained firearm injury. They also assaulted Prakash Paswan by means of lathi and danda making him seriously injured.

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 incriminating article has been recovered from conscious physical possession of the appellants. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent, hence, they may be enlarged on bail.

Learned Spl. PP for the State opposing the bail prayer of the appellants submitted that the appellants along with other accused persons are said to have resorted firing in which three persons sustained grievous firearm injuries and they have also assaulted Prakash Paswan by means of lathi, who has also sustained grievous injury. Witnesses in various paragraphs of the



case diary have supported the occurrence, hence, the appellants do not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on 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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