

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.569 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- SC/ST District- Rohtas

1. BHAIYA RAM SINGH @ BHAIYA RAM YADAV S/o Late Mukhram Singh Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
2. Arbind Yadav @ Arbind Kumar S/o Bhaiya Ram Singh @ Bhaiya Ram Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
3. Rameshwar Yadav @ Rameshwar Singh S/o Late Subhag Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
4. Harendra Yadav S/o Amawash Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
5. Suresh Yadav @ Surendra Yadav S/o Mahendra Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
6. Dinesh Yadav S/o Mahendra Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
7. Basawan Yadav S/o Harihar Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
8. Shyam Sundar Yadav @ Tunnu Yadav S/o Kameshwar Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
9. Bimlesh Yadav S/o Ram Pravesh Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
10. Umesh Yadav S/o Rmeshwar Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
11. Premchand Yadav @ Premchand Singh Yadav S/o Late Mukhram Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
12. Rameshwar Yadav @ Ram Pravesh Yadav S/o Late Mukhram Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
13. Srikant Yadav S/o Late Sigasan Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
14. Akshay Yadav S/o Thakur Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
15. Amit Yadav @ Amit Kumar S/o Bhaiya Ram Singh @ Bhaiya Ram Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
16. Shambhu Yadav S/o Dudhnath Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
17. Sanjeev Yadav S/o Basant Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.
18. Rajbali Yadav @ Rajbali Singh S/o Lalchand Yadav Resident of Village- Dahiyari, P.S.- Karakat (Godari), District- Rohtas.

... .. Appellants



Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 26-07-2021 As prayed for, let the learned counsel appearing for the Appellants remove the defect(s), as pointed out by the office vide its notes dated 09.02.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the appellants seeks permission to withdraw the application filed on behalf of the appellants No. 1 and 13, namely, Bhaiya Ram Singh @ Bhaiya Ram Yadav and Srikant Yadav as they have already been apprehended by the Police.

In view of the above, the application filed on behalf of the **appellants No. 1 and 13, namely, Bhaiya Ram Singh @ Bhaiya Ram Yadav and Srikant Yadav** is dismissed as withdrawn.

Heard learned counsel for the appellant nos. 2 to 12 and 14 to 18 and learned Spl. PP for the State through video conferencing.

This appeal has been filed under Section 14(A)(2)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against the refusal of prayer for pre-arrest bail vide order dated 23.09.2020 passed by learned Addl. Sessions Judge-I, Rohtas at Sasaram in connection with Reg. No. 48/2020, arising out of SC/ST P.S. Case No. 27 of 2020, registered under Sections 307, 323, 341, 504, 147, 148 and 149 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r), 3(2) (va) of the SC/ST (P.O.A) Act.

Accusation is that on 22.02.2020, informant Devendra Kumar was going for teaching the students, in the way, 17 persons named in the F.I.R., including appellant Nos. 2 to 12 and 14 to 18 having Lathi and gun attacked on him denoting his caste Dusad and also gave the threatening for dire consequences in case of non-withdrawing the case as lodged by him.

Learned counsel appearing on behalf of appellants submits that, in fact, appellants and others were present at the Chabutra for worshiping of Gobardhan, at that time, informant of the present case and others started to abuse saying that the said Chabutra was constructed by them and asked to stop worship on which hot talk exchanged and occurrence of Marpit took place in which appellants' side also sustained injury regarding which Karakat P.S. Case No. 42 of 2020, for the



offence under Sections 307, 323, 341, 379, 504, 147 and 149 of Indian Penal Code and Section 27 of the Arms Act on the basis of fardbeyan of Shiv Bashant Yadav against informant of the present case and others. Further submission is that Appellant Nos. 3, 4, 5, 7, 9, 10 to 12 and 14 to 17 have no criminal antecedent, whereas appellant No. 2, 8 and 18, namely, Arbind Yadav @ Arbind Kumar, Shyam Sundar Yadav @ Tunnu Yadav and Rajbali Yadav @ Rajbali Singh are accused in SC/ST P.S. Case No. 74 of 2019, under Sections 147, 148, 149, 341, 323, 354(A), 452, 379, 504, 506/34 of the Indian Penal Code Section 3(2)(va) of SC/ST (POA) Act, but they are on bail.

Learned Spl. PP for the State opposed the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the appellant Nos. 2 to 12 and 14 to 18 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1, Rohtas at Sasaram in connection with Reg. No. 48 of 2020, arising out of SC/ST P.S. Case No. 27 of 2020, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C.

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

(Rajendra Kumar Mishra, J)

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