

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.501 of 2022**

Arising Out of PS. Case No.-410 Year-2021 Thana- GAYA KOTWALI District- Gaya

1. SURENDRA YADAV SON OF BAIJU YADAV RESIDENT OF VILLAGE-
GOLBAGICHA GABADA, POLICE STATION- KOTWALI, DISTRICT-
GAYA
2. MAHENDRA YADAV SON OF BAIJU YADAV RESIDENT OF
VILLAGE- GOLBAGICHA GABADA, POLICE STATION- KOTWALI,
DISTRICT- GAYA
3. SANDEEP KUMAR @ HANUMAN YADAV @ SANDEEP KUMRA SON
OF SHANKAR YADAV RESIDENT OF VILLAGE- GOLBAGICHA
GABADA, POLICE STATION- KOTWALI, DISTRICT- GAYA
4. ANIL YADAV SON OF SHANKAR YADAV RESIDENT OF VILLAGE-
GOLBAGICHA GABADA, POLICE STATION- KOTWALI, DISTRICT-
GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. ABHINAV KUMAR @ LAKKI KUMAR SON OF AWADHESH
CHOUDHARY RESIDENT OF MOHALLA- SRIRAM NAGAR
COLONY, JHILGANJ, NAI GODAM, POLICE STATION- KOTWALI
AND DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Notice was validly served upon the respondent no.2
but nobody appeared on behalf of the respondent no.2.

Learned counsel for the appellants undertakes to
remove the defects within four weeks.

This is an appeal under Section 14(a)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 04.01.2022 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Kotwali P.S. Case No. 410/2021 registered under Sections 302, 337, 338, 427, 504, 506, 120(B) and 34 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is no specific overt act against the appellants. There is specific overt act against the co-accused Mahesh Yadav who assaulted the deceased. The appellants have not named in the F.I.R.. They have been made accused on the basis of the confessional statement of the injured persons Chintu Kumar who took the name in his statement in para-7 of the case diary. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail and submits that appellants were also member of the mob. Therefore, they do not deserve anticipatory bail.



In the facts and circumstances of the case, I am not inclined to enlarge the aforesaid appellants on anticipatory bail in connection with Kotwali P.S. Case No. 410/2021.

Accordingly, their prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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