

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1185 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

1. Naresh Yadav Son Of Prasadi Yadav R/O Village- Bhola Bigha Gogiyatad, P.S.- Magadh University, District- Gaya
2. Tileshwar Yadav Son Of Bhuneshwar Yadav R/O Village- Bhola Bigha Gogiyatad, P.S.- Magadh University, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1190 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

GAURI DEVI @ GAIRY DEVI Wife of Satendra Manjhi Resident of village
- Bhola Bigha Gogiyatad, P.S.- Magadh University, Dist.- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1185 of 2022)

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mrs. Usha Kumari No.1 Spl. PP

For the Informant : Mr. Manish Kumar No.2

(In CRIMINAL APPEAL (SJ) No. 1190 of 2022)

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mrs. Usha Kumari No.1 Spl. PP

For the Informant : Mr. Manish Kumar No.2

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-10-2022 Heard learned counsel for the appellants, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellants



against the order dated 15.02.2022 and order dated 31.01.2022 passed by learned Exclusive Special Judge SC/ST, Gaya in ABP No. 262 of 2022 and ABP no. 276 of 2022 whereby the prayer for bail of the appellants in connection with Magadh University P.S. Case no. 178 of 2021 under Sections 147, 148, 149, 341, 323, 379, 354, 307, 427 and added 302 of the Indian Penal Code and section 3(i)(r)(s)(w) 3(2)(va) of SC/ST Act was rejected.

The prosecution case in nutshell is that there is dispute between two communities where FIR named residents Yadav's community have entered into informant's house and abused and assaulted them. It is further alleged that the female members were molested by the appellants.

It is submitted by learned counsel for the appellants that appellants have committed no offence and have falsely been implicated in this case due to dirty village politics. There is general and omnibus allegation of assaulting against the appellants. The appellants have no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that the accused persons along with appellants assaulted to the injured persons due to which one person namely, Pramila Devi



succumbed to injury. It is further submitted that the appellants along with co-accused persons did this offence in public view in which several persons sustained injury. The prosecution case is also supported vide para 15, 16 and 45-52. It is further submitted that the Postmortem Report conducted by doctor, shows that the cause of the death was head injury.

Having heard learned counsel for the parties and considering the fact, I do not find it appropriate to grant anticipatory bail to the appellants and, as such, their prayer for anticipatory bail is rejected.

The appeal stands disposed off.

(Sunil Kumar Panwar, J)

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