

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1318 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- TEKARI District- Gaya

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1. Ashok Yadav @ Ashok Kumar Son Of Vinod Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 2. Lalu Yadav Son Of Krishnadev Yadav @ Arun Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 3. Santosh Yadav Son Of Indradev Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 4. Rajesh Yadav @ Santosh Kumar Son Of Indradev Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 5. Ajeet Yadav Son Of Ram Ishwar Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 6. Balkishore Yadav Son Of Ram Ishwar Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 7. Shrikant Yadav @ Srikant Yadav Son Of Sahdeo Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 8. Mantu Yadav @ Mantu Kumar Son Of Siyasharan Yadav @ Dim Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.
 9. Pintu Kumar @ Pintu Yadav Son Of Siyasharan Yadav @ Dim Yadav Resident Of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi W/o Chandrika Paswan Resident of Village - Dharmshala, P.S.- Tekari (Panchanpur Outpost), Distt.- Gaya.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 The learned counsel for the appellants, at the outset, seeks permission to withdraw the present appeal with respect to appellant nos.6 and 7 as police after investigation has submitted final



form and also prays to withdraw the present appeal with respect to appellant no.4, who was arrested during the pendency of the present appeal.

Heard learned counsel for the rest appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 02.03.2022 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Tekari P. S. Case No.59 of 2022, instituted for the offences under Sections 147, 148, 149, 341, 323, 379, 307, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s)(w)(z)(v-1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on dispute relating to election, the accused persons assaulted her husband and Lalu Yadav abused taking caste name and Indradev Yadav snatched her chain.

The learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the alleged occurrence is said to have taken place on account of dispute relating to election. It is next submitted that even the allegation of abuse is general and omnibus in nature and as far as allegation of snatching of chain



is alleged, the same is ornamental. It is next submitted that the F.I.R. does not even remotely suggest that the occurrence was seen by any villagers and thus, was not in public view.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 02.03.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Tekari P. S. Case No.59 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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