

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1549 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- KONCH District- Gaya

1. MOHAN YADAV S/o - Raj nath Yadav R/o- Village - Pradhana, P.S. - Konch, District - Gaya.
2. Lalu yadav S/o- Ram Kewal Yadav R/o- Village - Pradhana, P.S. - Konch, District - Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 26.03.2022 and 06.04.2022 in A.B.P. No. 41 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with Konch P.S. Case No. 33 of 2022 registered for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act as well as



Sections 3(1)(r) of the SC/ST Act.

The informant alleges that he was attending a Shrad ceremony and at the time of eating Mohan started abusing him, thereafter, Sanjay Yadav came to save him and dropped him in his car, it is further alleged that the accused persons came and Mohan fired but missed, thereafter, accused persons assaulted and abused him by taking his caste name.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR, the allegation of assault and abuse is general and omnibus in nature nor the FIR even remotely suggest that the occurrence was witnessed by any public and the allegation of firing is ornamental. Learned counsel further submits that co-accused Dhananjay along with two others have been granted the privilege of anticipatory bail by a learned Coordinate Bench of this Court by Order Dated 21.07.2022 in Criminal Appeal S.J. No. 2057 of 2022.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned



counsel for the appellants, the order dated 26.03.2022 and 06.04.2022 in A.B.P. No. 41 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gaya in connection with Konch P.S. Case No. 33 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Konch P.S. Case No. 33 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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