

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.45 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- BODHGAYA District- Gaya

Mithilesh Yadav @ Firangi Yadav S/o Shival Yadav Resident of Village-
Moratal, P.S.-Bodh Gaya, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dharmendra Kumar Sinha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-01-2022 Heard the parties through virtual court proceedings.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 28.09.2020, passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodh Gaya P.S. Case No.88 of 2020, registered under sections 341, 323, 307, 504, 506/34 of the IPC and sections 3(1)(r)(s) of the SC/ST Act.

The allegation against the appellant is that he assaulted the informant, due to which he became injured. Thereafter, when his brother came to save him, the accused persons assaulted him, due to which, he sustained head injury. It is alleged that on refusal of giving 'Tadi' to the accused persons,



the assault has been made.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. There is general and omnibus allegation against the appellant and no specific overt act of abusing the informant is levelled against him, as such, no case under the SC/ST Act is made out against the appellant. There is a case and counter-case between the parties. Appellant has one criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that the injuries are grievous in nature, which is also mentioned in the case diary.

Considering the facts and circumstances of the case, I am not inclined to grant bail to the appellant named above.

Accordingly, the prayer for grant of anticipatory bail is hereby rejected and the appeal is dismissed.

(Anjani Kumar Sharan, J)

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