

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3457 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- BODHGAYA District- Gaya

1. BIRENDRA YADAV Son of Ramdeo Adav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
2. Munilal Yadav @ Munni Yadav Son of Kali Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
3. Bablu Kumar @ Bablu Yadav Son of Munilal Yadav @ Munni Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
4. Jitendra Yadav Son of Karu Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
5. Vimlesh Yadav @ Vimlsh Kumar Son of Khirodhar Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
6. Vikash Yadav @ Vikash Kumar Son of Kail Yadav @ Kaillu Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
7. Kapil Yadav Son of Sukhari Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
8. Ramdeo Yadav Son of Kali Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
9. Shankar Yadav @ Shankar Kumar Son of Krishnadeo Yadav @ Kishundeo Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.
10. Bipin Yadav Son of Mahendra Yadav Resident of Village - Moro Tall, P.S.- Bodhgaya, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Tetari Devi Wife of Shivnarayan Manjhi R/o Village - Moratal, P.S.- Bodhgaya, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-11-2022 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

Learned counsel for the appellants seeks permission



to withdraw the present appeal with respect to appellant nos. 4 and 7.

Permission is accorded.

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 01.09.2022 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Bodh Gaya P.S. Case No. 219 of 2021 registered under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).

Learned counsel for the appellants submits that rest of the appellants are persons with clean antecedent and the informant alleges that on 07.07.2021, hundred of huts were built on a land of the government and the named accused persons came variously armed weapons and started abusing the informant by her caste name and even assaulted them and they sustained injury.

Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest



that on account of land dispute the present occurrence took place, it is also submitted that allegation of assault and abuse is general and omnibus in nature i.e., no allegation has been alleged against any of the appellants that is who abused whom, it is also submitted that FIR even does not disclose that occurrence took place within public view.

Learned Spl.P.P. opposes the bail application of the appellants and submits that there is allegation of assault and the appellants in the present anticipatory bail application have not even remotely suggested whether any injury was caused to the informant or her side.

At this stage, the learned counsel for the appellants seeks permission to withdraw the present appeal.

Permission is accorded.

In the event, if the appellants surrender on or before 24.11.2022, the learned trial court shall dispose of the case on the same day keeping in mind that the allegations of assault and abuse are general and omnibus in nature.

(Satyavrat Verma, J)

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