

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.432 of 2022**

Arising Out of PS. Case No.-374 Year-2020 Thana- BODHGAYA District- Gaya

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1. Pankaj Kumar S/O Late Kedar Yadav, Resident Of Village-Kamal Dah, P.S.-paraiya, District-Gaya.
 2. Kapil Yadav @ Kapil Kumar S/O Rameshwar Yadav
 3. Suryadeo Yadav @ Suryadeo Kumar S/O Sadhu Prasad
 4. Ram Bilash Yadav S/O Rameshwar Yadav
 5. Vinay Yadav @ Vinay Kumar S/O Rameshwar Yadav
 6. Malo Devi Wife Of Ram Bilash Yadav
 7. Parwatiya Devi @ Parvati Devi Wife Of Sadhu Yadav
 8. Fula Devi @ Fulwa Devi Wife Of Aklu Yadav
 9. Malti Devi @ Manti Devi Wife Of Mithlesh Yadav
 10. Mithlesh Yadav S/O Rameshwar Yadav

All Appellant No.2 To 10 Are Resident Of Village - Simariya, P.S. Cherki,
District - Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shiv Rani Devi @ Shav Rani Devi Wife of Bhajan Paswan @ Rambhajan Paswan Resident of Village - Simariya, P.S. Cherki, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Durgesh Nandan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For the informant	:	Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-01-2023 Heard Mr. Durgesh Nandan, learned counsel for the

appellants as also Mr. Ajay Kumar Sinha who represents the

informant and the learned Special P.P.



The appellants apprehend their arrest in connection with Bodh Gaya (Cherki) P.S. Case No.374 of 2020 instituted under Sections 147,149,323,341,337,338,307,504 and 506 of the Indian Penal Code and 3(i)(r)(s)(w)(i)(ii),2(v-a) of SC/St Act.

As per the prosecution story, the lady alleged that she and her husband along with daughter-in-law had left the place due to death/murder of a co-villager Ranjit Kumar. After sometime when they returned, the family members of the Ranjit Kumar after calling their caste name armed variously came and assaulted them.

Specific allegation is against appellant no.1, Pankaj Yadav of naming the informant's side by caste as also assaulting causing injury to them.

In that view of the matter, learned counsel for the appellants submit that he is not pressing the petition so far as appellant no.1, Pankaj Yadav is concerned and the same is dismissed as not pressed.

So far as the other appellants are concerned, a perusal of the FIR would show that nothing incriminating has come to show that they named the lady or the family members with caste name and further omnibus allegation has been made



against them of assaulting the informant's side. The further submission is that the appellant nos.2 to 10 do not have criminal antecedent.

Learned counsel for the informant opposes the prayer for grant of any relief.

Taking into account the aforesaid facts that specific allegation is against Pankaj Kumar of taking caste name as also assault and further, from the FIR there is nothing that others took caste name and further omnibus allegation of assault is there the order dated 10.12.2021 in ABP No.3471 of 2021 of the learned Exclusive Judge, SC/ST, Buxar with regard to appellant nos.2 to 10 is/are set aside.

Let the appellant no.2 Kapil Yadav @ Kapil Kumar, appellant no.3 Suryadeo Yadav @ Suryadeo Kumar, appellant no.4 Ram Bilash Yadav, appellant no.5 Vinay Yadav @ Vinay Kumar, appellant no.6 Malo Devi, appellant no.7 Parwatiya Devi @ Parvati Devi, appellant no.8 Fula Devi @ Fulwa Devi, appellant no.9 Malti Devi @ Manti Devi and appellant no.10 Mithlesh Yadav be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the



like amount each in connection with Bodh Gaya (Cherki) P.S.
Case No.374 of 2020 to the satisfaction of learned Special
Judge, SC/ST, Gaya.

(Rajiv Roy, J)

Prakash Narayan /-

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