

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1103 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- SC/ST District- Rohtas

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1. BRIJ BIHARI SINGH @ BRIJ BIHARI YADAV @ BRIJ BIHARI SINGH YADAV @ KISHORE SINGH Son of Late Shiv Janam Yadav R/V- Dharkandha, P.S- Dinara, Dist- Rohtas at Sasaram
 2. Bahadur Yadav Son of Late Shiv Janam Yadav R/V- Dharkandha, P.S- Dinara, Dist- Rohtas at Sasaram
 3. Gupteshwar Yadav @ Gupteshwar Singh Yadav Son of Late Shiv Janam Yadav R/V- Dharkandha, P.S- Dinara, Dist- Rohtas at Sasaram
 4. Uma Yadav Son of Late Shiv Janam Yadav R/V- Dharkandha, P.S- Dinara, Dist- Rohtas at Sasaram

... .. Appellants

Versus

1. The State of Bihar
2. Mahanth Indradev Das Son of Late Fakir Ram R/V- Dharkandha, P.S- Dinara, Dist- Rohtas at Sasaram

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Tribhuwan Narayan, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. Public Prosecutor
For respondent no.2		Mr. Raghunandan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-09-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 7.2.2023, passed in a case registered for the offence punishable under sections 341,323,504,506 and other ancillary sections of the IPC, section 27 of the Arms Act and sections 3(1)(r)(s)/3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.



3. As per the prosecution case, on 9.8.2022 at around 9.30 am, all the FIR named accused persons including these appellants came to the Ashram with deadly weapons, started abusing respondent no.2, who is Mahanth of the said Ashram, by caste words and on protest, they assaulted him and threatened of dire consequences if he does not leave the Ashram. It is further alleged that on 25.8.2022, appellants no. 1 and 3 had again come there and fired shots.

4. Learned counsel appearing for the appellants submits that there is dispute with regard to mahanthship between respondent no.2 and another Mahanth Ram Lagan Das and appellants are witnesses in Complaint Case No. 609/2022 lodged by said Ram Lagan Das against respondent no.2 and his supporters. Though there is allegation of assault and firing, but there is no injury report on the record to support the allegation. F.I.R. has been lodged after inordinate delay of 16 days without any explanation which renders the entire prosecution case doubtful. It is not the case of the informant that any member of the public was present at the time of the incident, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2



oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let all the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge XVII cum Exclusive Special Judge, SC/ST Act, Rohtas at Sasaram in SC/ST Dehri Police Station Case No. 46 of 2022.

(Prabhat Kumar Singh, J)

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