

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1262 of 2022

Arising Out of PS. Case No.-163 Year-2020 Thana- DURAULI District- Siwan

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1. CHANDESHWAR YADAV @ CHANDRASHEKHAR YADAV Son of Sudama Yadav Resident of Village - Bawna, Kanhauli, P.S.- Darauli, Distt.- Siwan, Bihar , Pin 84235
 2. Ramasish Yadav Son of Sudama Yadav Resident of Village - Bawna, Kanhauli, P.S.- Darauli, Distt.- Siwan, Bihar , Pin 84235
 3. Subhash Yadav Son of Sudama Yadav Resident of Village - Bawna, Kanhauli, P.S.- Darauli, Distt.- Siwan, Bihar , Pin 84235
 4. Guddu Yadav Son of Chandreshwar Yadav Resident of Village - Bawna, Kanhauli, P.S.- Darauli, Distt.- Siwan, Bihar , Pin 84235

... .. Appellants.

Versus

1. THE STATE OF BIHAR
2. Bharat Sharma Son of Krishna Sharma Resident of Village - Bawna, Kanhauli, P.S.- Darauli, Distt.- Siwan, Bihar , Pin 84235

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Venkatesh Kirti
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 15.02.2023 he has informed the informant/complainant but none is present of his/her behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 11.02.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Siwan in connection with Darauli P.S. Case No. 163 of 2020 registered under Sections 341, 323, 354, 302, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

All the appellants in association of other co-accused is said to have killed the sister of the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, the co-accused Ajay Yadav was in love with the deceased. The deceased was member of Lohar caste and Ajay Yadav belongs to Yadav caste. For some reasons, the co-accused Ajay Yadav and the deceased Raj Kumari consumed poisonous substance. Raj Kumari died but Ajay Yadav saved luckily after treatment in the hospital which is corroborated by medical papers (Annexure-2). Learned counsel



for the informant further submitted that the informant belongs to Lohar caste and in view of the judgment of the Hon'ble Apex Court in the case of ***Sunil Kumar Rai and others Vs. The State of Bihar and others*** passed in ***Writ Petition (Civil) No.1052 of 2021*** no offence under SC/ST Act is made out against the appellants. It is also submitted that the prosecution story is an after thought one and is being registered just to harass the appellants and their family. It is lastly submitted that similarly situated co-accused, Devrati Devi and others have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.09.2022 passed in Cr. Appeal (SJ) No.911 of 2022 and analogous case. Appellants have no criminal antecedent.

Learned Special Public Prosecutor for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1stAddl. Sessions Judge, Siwan in connection with



Darauli P.S. Case No.163 of 2020, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this
appeal is allowed.

(Anjani Kumar Sharan, J)

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