

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1830 of 2023**

Arising Out of PS. Case No.-22 Year-2022 Thana- SC/ST District- Siwan

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MOSAHEB YADAV @ SAHEB YADAV Son of Khublal Yadav R/V-
Dhanpura, PS-G.B. Nagar, dist- Siwan Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lalan Ram Son of Late Triveni Ram R/V- Balia, PS-Maharajganj, Dist-
Siwan,Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prashant Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order dated 30.08.2023, learned
Spl.PP for the State informed the informant/complainant to
appear in the present case through his/her counsel but nobody
entered appearance on his/her behalf.

3. 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 08.02.2023 passed by learned Additional
Sessions Judge-I-cum Special Judge (SC/ST Act), Siwan in



connection with SC/ST (Siwan) P.S. Case No.22 of 2022, registered under Sections 307, 302 and other allied Sections of the Indian Penal Code and Section 3(1) (r) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellant is that he threw the son of the informant from terrace as a result of which he died during the course of treatment.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case on the basis of suspicion. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no eye witness in the present case. He further submits that case diary and injury report was called for in the present case. In the injury report of a Dr. Ram Manohar Lohiya Institute of Medical Science, Lucknow, it is stated that the victim was hit by an auto, which is termed as a road accident. He further submits that no post-mortem was conducted by the concerned hospital. He further submits that one another report of King George's Medical University, Lucknow also stated that the injury on the victim was caused



due to road accident. In Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case as there is no eye witness in the present case as well as perusing the injury report of the deceased, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum Special Judge (SC/ST Act), Siwan in connection with SC/ST (Siwan) P.S. Case No.22 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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