

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1659 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- HALSI District- Lakhisarai

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1. COMPANY YADAV son of Kameshwar Yadav Resident of Village - West Giddha, P.S. - Halsi, District - Lakhisarai.
 2. ANIL YADAV Son of Bhajjan Yadav Resident of Village - West Giddha, P.S. - Halsi, District - Lakhisarai.
 3. BACHHU YADAV Son of Late Chalitar Yadav @ Late Charitra Yadav Resident of Village - West Giddha, P.S. - Halsi, District - Lakhisarai.
 4. KISHUN YADAV Son of Late Mitru Yadav Resident of Village - West Giddha, P.S. - Halsi, District - Lakhisarai.
 5. SUDHIR YADAV Son of Bhajo yadav Resident of Village - West Giddha, P.S. - Halsi, District - Lakhisarai.
 6. AMLESH KUMAR Son of Pyare Yadav Resident of Village - West Giddha, P.S. - Halsi, District - Lakhisarai.
 7. ANIL YADAV Son of Late Munni Yadav Resident of Village - West Giddha, P.S. - Halsi, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. KRISHNA RAM, A.S.I. Son of name not known Address Not known, presently posted at Halsi Police Station, District - Lakhisarai.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1665 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- HALSI District- Lakhisarai

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1. KEDAR YADAV Son of Late Teelo Yadav Resident of Village - West Giddha, P.s.- Halsi, Distt.- Lakhisarai.
 2. BABLOO YADAV SON OF MISHRI YADAV Resident of Village - West Giddha, P.s.- Halsi, Distt.- Lakhisarai.
 3. RAHUL KUMAR SON OF THAKURI YADAV Resident of Village - West Giddha, P.s.- Halsi, Distt.- Lakhisarai.
 4. MITHLESH YADAV @ MITHLESH KUMAR YADAV SON OF UMESH YADAV Resident of Village - West Giddha, P.s.- Halsi, Distt.- Lakhisarai.
 5. NITISH KUMAR SON OF SATISH KUMAR Resident of Village - West Giddha, P.s.- Halsi, Distt.- Lakhisarai.
 6. MAHESH YADAV SON OF LATE JAGDISH YADAV Resident of Village - West Giddha, P.s.- Halsi, Distt.- Lakhisarai.
 7. VALAM KUMAR SON OF BHOLA YADAV Resident of Village - West



Giddha, P.s.- Halsi, Distt.- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram A.S.I. Presently Posted at Halsi P.s., Distt.- Lakhisarai.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1659 of 2022)

For the Appellant/s : Mrs.Manisha Prakash

For the Respondent/s : Mrs.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 1665 of 2022)

For the Appellant/s : Mrs.Manisha Prakash

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-01-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

As the FIR was lodged by the ASI, therefore, notice is not
required to be issued to the respondent no.2.

Learned counsel for the appellants undertakes to remove
the defects within four weeks.

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 21.04.2022 passed by learned Additional
District and Sessions Judge - 1st – cum – Special Judge,
Lakhisarai in connection with Halsi P.S. Case No.33 of 2022,
registered under Sections 341, 342, 323, 324, 332, 353, 307,



504/34 of the Indian Penal Code, section 27 of Arms Act and Section 3(i) (r) (s), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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. There is no specific allegation against the appellants. He further submits that the doctor examined the injuries and found them simple in nature. Several similarly situated co-accused persons have been granted bail by this Court and co-ordinate bench of this Court vide order dated 30.11.2022 passed in Cr. App (SJ) No.1597 of 2022 and vide order dated 21.07.2022 passed in Cr. App. (SJ) No.1723 of 2022. Appellant no.3 in Cr. App (SJ) No.1659 of 2022 and appellant no.7 in Cr. App (SJ) No.1665 of 2022 has one criminal antecedent, except them, rest of the appellants have no criminal antecedent.

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

In the facts and circumstances of the case, as similarly situated co-accused persons have been granted bail, let 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 enlarged 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 1st Additional District and Sessions Judge - 1st – cum – Special Judge, Lakhisarai in connection with Halsi P.S. Case No.33 of 2022, 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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