

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2230 of 2022

Arising Out of PS. Case No.-166 Year-2020 Thana- TEKARI District- Gaya

1. RAMJI YADAV S/O RAJ MOHAN YADAV Resident of Village-Tepa, P.S.- Tekari, District-Gaya.
2. REETA DEVI W/O RAMJEE YADAV Resident of Village-Tepa, P.S.- Tekari, District-Gaya.
3. ROHIT YADAV S/O RAJ MOHA YADAV Resident of Village-Tepa, P.S.- Tekari, District-Gaya.
4. UDAL YADAV S/O RAPESHWAR YADAV Resident of Village-Tepa, P.S.- Tekari, District-Gaya.
5. SANTAN YADAV S/O DEEPAN YADAV Resident of Village-Tepa, P.S.- Tekari, District-Gaya.
6. VIKASH YADAV S/O RAJEE YADAV Resident of Village-Tepa, P.S.- Tekari, District-Gaya.
7. INDAL YADAV S/O RAJ MOHAN YADAV Resident of Village-Tepa, P.S.- Tekari, District-Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bindeswari Singh,Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

10 25-01-2023 Heard the parties.

Learned Spl.PP for the State submits that he informed the respondent no.2 but nobody appears on behalf of respondent no.2.

Learned counsel for the appellants is directed to correct the name of appellant no.4.

Heard learned counsel for the appellants and learned



Special PP for the State.

Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellants no. 1 & 7 submitting that during pendency of this appeal appellants no. 1 & 7 have already been apprehended.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellants no. 1 & 7 only.

Now, this appeal survives only for appellant nos. 2, 3, 4, 5 & 6.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 01.10.2020 passed by learned SC/ST (POA) Act Court, Gaya, in connection with Tekari (Panchapur O.P.) P.S. Case No. 166 of 2020 registered under Sections 341, 323, 325, 307, 354, 379, 504, 147, 148, 149 of the Indian Penal Code, 27 of the Arms Act and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that all the accused persons armed with lathi, danda, pistol and bricks surrounded the house of the informant. They assaulted his wife brutally.



Accused Rajesh Yadav is said to have fired upon his wife. When his son came forward to rescue his mother, Rita Devi and Kunti Devi assaulted him also. They also took a sum of rupees five hundred.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific overt act against the co-accused Rajesh Yadav that he fired upon the informant's wife. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, since there is general and omnibus allegation against the appellants, the above named appellants no. 2, 3, 4, 5 & 6, 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 SC/ST (POA) Act Court, Gaya in connection with Tekari (Panchapur O.P.) P.S Case No. 166 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 partly allowed.

(Anjani Kumar Sharan, J)

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