

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2946 of 2023

Arising Out of PS. Case No.-219 Year-2021 Thana- BODHGAYA District- Gaya

AKHILESH YADAV @ AKLESH YADAV @ AKHILESH KUMAR Son of
Karu Yadav Resident of Village - Moratal, P.S.- Bodh Gaya, District - Gaya
... .. Appellant/s

Versus

1. The State of Bihar
2. Tetari Devi Wife of Shiv Narayan Manjhi R/o Moratal, P.S.- Bodh Gaya,
District - Gaya
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. 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 19.10.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Bodh-Gaya P.S. Case No. 219/2021 registered under Sections 341, 323, 354, 379, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The appellant has earlier moved before this Court



for grant of bail along with five other appellants in which this appellant was appellant no.5. From perusal of the order dated 26.04.2023 passed in Cr. Appeal (SJ) No.4231 of 2022, it appears that in paragraph-2 of the said order, it is recorded as follows:

“....Learned counsel for the appellants seeks permission to withdraw this appeal as against the appellant no.2 & 5, as they have already been arrested by the police during pendency of this appeal....”

4. Now, in this memo of appeal in paragraph-2, one of the grounds which is taken is due to misunderstanding and communication, the aforesaid appeal i.e. Cr. Appeal (SJ) No.4231 of 2022 was dismissed as withdrawn along with appellant no.2 of the aforesaid appeal. Other submissions have also been made to justify the position.

5. Having heard the parties, I am not impressed with the submissions made on behalf of the appellant. In this result, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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