

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2953 of 2022**

Arising Out of PS. Case No.-234 Year-2020 Thana- GUTHANI District- Siwan

HIRA LAL YADAV Son of Late Nathuni Yadav R/o Village - Tadwa Khurda,
P.S.- Guthani, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Rama Shankar Baitha Son of Saral Baitha R/o Village - Tadwa Khurda, P.S.-
Guthani, District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rupesh Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-02-2023 Heard learned counsel for the appellant and learned
APP for the State.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

This appeal has been preferred on behalf of the
appellant under Section 14-A (2) of the SC & ST (Prevention of
Atrocities) Act for setting aside the order dated 28.02.2022 in
connection with Guthani P.S.Case No. 234 of 2020, registered
for the offences punishable under Sections 363, 302 and 34 of
the Indian Penal Code and Sections 3(2(V))/3(2) of SC and ST
(Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of the appellant has been rejected.

As per allegation, 10 accused persons, including the appellant, started abusing the informant's son by calling his caste name and they also levelled allegation that he was in love with a girl of the family members of the accused persons. The accused persons forcibly took the son of the informant. After a short while, when the informant and others followed them, the accused persons stopped them by saying that his son would return in the morning. They badly assaulted him, resulting in his death.

Learned counsel for the appellant has submitted that he is innocent and has falsely been implicated in this case. The appellant is a person of clean antecedent. The allegations are general and omnibus and other co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Appeal (SJ) Nos. 3594 of 2022 and 1610 of 2022.

Considering the facts and circumstances and also in view of the fact that other accused persons, on similar ground, have been granted anticipatory bail by a co-ordinate Bench of this Court, the appeal is allowed and the impugned order dated 28.02.2022 is set aside.

Accordingly, in the event of arrest or surrender within



four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-1-cum-cum-Special Judge, Siwan in connection with Guthani P.S.Case No. 234 of 2020.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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