

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3594 of 2022

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

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AMIT YADAV SON OF VISHWANATH YADAV R/O VILLAGE- TADWA
KHURD, P.S.- GUTHANI, DISTRICT- SIWAN

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

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with

CRIMINAL APPEAL (SJ) No. 1610 of 2022

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

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RAM EKBAL YADAV @ RAM EKBAL S/o Late Shannu Yadav @ Sanhu
Yadav R/o village- Tadwa Khurd, P.S.- Guthani, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ramashankar Baitha Son of Late Saral Baitha R/o vill- Tadwa Khurd P.S.-
Guthani Dist- Siwan

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 3594 of 2022)

For the Appellant/s : Mr.Ajay Kumar Pandey

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 1610 of 2022)

For the Appellant/s : Mr.Ajay Kumar Pandey

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the appellants and learned

Special P.P. for the State.

Despite information given by learned Special P.P. for

the State regarding hearing of the case, none appears on behalf

of the informant today.



As both these appeals have cropped up from the same police station case number, hence, with consent of parties, are are being heard together and disposed of by this common order.

These two appeals have been filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 17.08.2022, passed by learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Guthani P.S. Case No.234 of 2020, registered under Sections 363, 302 and 34 of the Indian Penal Code, Sections 3 (2) (v)/3 (2) of the SC/ST Act as well as under Sections 25(1-b)a, 26 of the Arms Act.

According to FIR, ten persons named in the FIR including the appellants took the son of the informant abusing him by naming his caste on the allegation that the son of the informant was in love with a girl of the family of the accused persons. When the informant and others followed them, the accused persons stopped them by saying that in the morning, the boy would be allowed to go. In the morning, the informant found that his son was bitterly assaulted which resulted in his death.



Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of memo of appeals. It is further submitted that there is general and omnibus allegation against the appellants. It is also submitted that similarly situated co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 06.09.2021, passed in Criminal Appeal (SJ) No.1755 of 2021. It is further submitted that the occurrence took place in the night of 09.11.2020, but the FIR was lodged on 10.12.2020 after delay of one month without giving any explanation which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Having considered the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Siwan in connection with Guthani P.S.



Case No.234 of 2020, subject to the conditions 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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