

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.941 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

1. Yogendra Yadav @ Jogindra Yadav Son of Late Laljee Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
2. Shambhu Yadav Son of Late Vishwanath Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
3. Subhash Yadav son of Tukar Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
4. Rajesh Yadav Son of Tukar Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
5. Rajan Yadav Son of Late Jamadar Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
6. Arun Kumar yadav @ Arun Yadav Son of Daroga Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
7. Abhishek Kumar Yadav @ Abhishek Kumar Son of Nagendra Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
8. Nagendra Yadav Son of Late Dhawlar Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.
9. Birendra Yadav Son of Late jamadar Yadav Resident of Village- Khairiya, P.S. - Kuchaikote, District - Gopalganj.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Upendra Yadav
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Shakti Suman Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-03-2023 Heard the parties.

Learned counsel for the appellants seek permission to withdraw this appeal as against the appellant no.5.

Permission is granted.

Accordingly, this appeal as against appellant no.5 is



dismissed as withdrawn.

Now, this appeal is being heard with regard to the rest of the appellants.

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 06.11.2020 passed by learned Additional Sessions Judge 1st cum Special Judge SC/ST Act, Gopalganj arising out of Kuchailkote P.S. Case No.270 of 2020, registered under Sections 341, 323, 324, 504/34 of the Indian Penal Code and Section 3(i) (r) (w)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith other co-accused persons have indiscriminately assaulted the informant's side.

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 to abuse the informant by



taking caste name. He further submits that the injuries are simple in nature, as also apparent from injury report enclosed in the case diary. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail and submits that the appellants are also involved in the present case.

Considering the facts and circumstances of the case, let the above named appellant nos.1, 2, 3, 4, 6, 7, 8 and 9, 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 Additional Sessions Judge 1st cum Special Judge SC/ST Act, Gopalganj arising out of Kuchailkote P.S. Case No.270 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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