

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3226 of 2022**

Arising Out of PS. Case No.-444 Year-2020 Thana- NAWADA District- Nawada

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1. SAHDEO YADAV Son of Late Daso Yadav Resident of Village - Chiliya Bigha, P.S.- Nawada, (OP - Kadirganj), Distt.- Nawada.
  2. Shailesh Yadav @ Shailesh Kumar Son of Sahdeo Yadav Resident of Village - Chiliya Bigha, P.S.- Nawada, (OP - Kadirganj), Distt.- Nawada.
  3. Ashish Kumar @ Awdhesh Yadav Son of Sahdeo Yadav Resident of Village - Chiliya Bigha, P.S.- Nawada, (OP - Kadirganj), Distt.- Nawada.
  4. Ajay Yadav @ Ajay Kumar @ Chhotu Yadav Son of Shri Ballav Yadav @ Krishna Ballav Yadav Resident of Village - Chiliya Bigha, P.S.- Nawada, (OP - Kadirganj), Distt.- Nawada.
  5. Dharmendra Yadav @ Dharmo Yadav Son of Satyendra Yadav Resident of Village - Chiliya Bigha, P.S.- Nawada, (OP - Kadirganj), Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Devki Chaudhary Son of Late Lalo Chaudhary Resident of Village - Chiliya Bigha, P.S.- Nawada, (OP - Kadirganj), Distt.- Nawada.

... .. Respondent/s

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**Appearance :**

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|---------------------------|-----------------------|
| For the Appellant/s :     | Mr. Sheo Kumar Prasad |
| For the Respondent no.1 : | Mr. Sadanand Paswan   |
| For the Respondent no.2 : | Mr. Niraj Kumar       |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      19-01-2023                      Heard Ld. counsel for the appellants, Ld. APP for  
the State and Ld. Respondent no. 2/Informant.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 04.08.2022, passed by the Ld. Exclusive Special Court SC/ST Nawada, in connection with (Nagar) (Kadirganj O.P.) P.S. Case No. 444 of 2020, registered for the offences punishable under



Sections 341, 323, 325, 385, 504, 506, 34 of the I.P.C. and 3 (1)(r) of the SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that on 18.05.2020 at 15:30 the appellants went to the house of the informant and demanded *taari*, and on refusal , the appellants called them by their caste name and demanded *rangdari* of Rs. 1,50,000/- (one lakh fifty thousand rupee only). Thereafter, they abused and assaulted the informant and his family members, due to which they sustained injuries.

Ld. counsel for the appellants submits that the appellant are innocent and have falsely been implicated in this case. He further submits that alleged injury is simple as per the injury report. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellants have been languishing in jail since 25.07.2022.

It has also been stated in paragraph no. 3 of the



appeal that the appellants have no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellants have moved this Court earlier for grant of anticipatory bail in Cr. App. (SJ) no. 1924 of 2021 which was rejected vide order dated 26.05.2021.

However, Ld. Special Public Prosecutor for the State and Ld. Respondent no. 2/Informant vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 04.08.2022, passed by Ld. Exclusive Special Court SC/ST Nawada, and directing the appellants to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Court SC/ST Nawada, in connection with (Nagar) (Kadirganj O.P.) P.S. Case No. 444 of 2020, on the following conditions:

(i) The appellants will make themselves available for interrogation by a police officer/court as and when



required.

(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The appellants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellants have criminal antecedents other than the disclosed one, Ld. trial court shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellants.

Ld. counsel for the appellants is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

ramesh/-

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