

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3851 of 2023

Arising Out of PS. Case No.-230 Year-2023 Thana- GOH District- Aurangabad

1. RAMDEO YADAV @ RAMDEO RAY SON OF LATE RAJDEO YADAV
RESIDENT OF VILLAGE SAO BIGHA, P.S. BANDEYA, DISTRICT
AURANGABAD, BIHAR
2. SONU KUMAR YADAV @ SONU KUMAR SON OF KARU YADAV @
SANDEEP YADAV RESIDENT OF VILLAGE SAO BIGHA, P.S.
BANDEYA, DISTRICT AURANGABAD, BIHAR
3. RAFAL YADAV @ LALAN YADAV @ RAFAL SON OF LATE RAJDEO
YADAV RESIDENT OF VILLAGE SAO BIGHA, P.S. BANDEYA,
DISTRICT AURANGABAD, BIHAR
4. BHARAT KUMAR @ RAJU KUMAR SON OF RAJENDRA YADAV
RESIDENT OF VILLAGE SAO BIGHA, P.S. BANDEYA, DISTRICT
AURANGABAD, BIHAR
5. AZAD KUMAR SON OF AKHILESH YADAV RESIDENT OF VILLAGE
SAO BIGHA, P.S. BANDEYA, DISTRICT AURANGABAD, BIHAR
6. SHEKHAR YADAV @ CHANDRA SHEKHAR YADAV SON OF
AKHILESH YADAV RESIDENT OF VILLAGE SAO BIGHA, P.S.
BANDEYA, DISTRICT AURANGABAD, BIHAR
7. MOTI YADAV @ MOTI LAL YADAV SON OF LATE KRIT YADAV
RESIDENT OF VILLAGE SAO BIGHA, P.S. BANDEYA, DISTRICT
AURANGABAD, BIHAR
8. AKHILESH YADAV SON OF KRIT YADAV RESIDENT OF VILLAGE
SAO BIGHA, P.S. BANDEYA, DISTRICT AURANGABAD, BIHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. CHANDAN KUMAR SON OF NIRBHAY PRASAD R/O VILL-
HASANPUR, PS- GOH, DIST- AURANGABAD, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mrs.Leelawati Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-12-2023 Heard learned counsel for the appellants, learned counsel
for the respondent no.2 and learned Spl.P.P. 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 for anticipatory bail vide order dated 14.07.2023, passed by learned Special Judge, SC/ST, Aurangabad, Bihar, in connection with Goh P.S. Case No.230 of 2023, registered u/s 341, 323, 324, 504, 506/34 of the IPC and sections 3(i)(r)(s)/ 3(2)(va) of the SC/ST Act.

3. As per prosecution case, the F.I.R. named accused persons abused the informant and brutally assaulted the informant's side by means of various weapons.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against them to abuse the informant by caste name. Appellants have no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that though there is general and omnibus allegation against some of the appellants but there is specific allegation against the appellant nos.1 and 3 who have assaulted Chandan Kumar and Ram



Swaroop respectively and their injury have been found grievous in nature, which is clear from the injury report enclosed in the case diary.

6. Considering the facts and circumstances of the case, since there is general and omnibus allegation against the appellant nos.2, 4, 5, 6, 7 and 8 named above, let them, 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 bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Aurangabad, Bihar, in connection with Goh P.S. Case No.230 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

7. However, since the injured, said to have been assaulted by the appellant nos.1 and 3 have sustained grievous injury, I am not inclined to enlarge them on anticipatory bail. The prayer for grant of anticipatory bail on behalf of the appellant nos.1 and 3 is hereby rejected.

8. Accordingly, the appeal is partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

