

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3449 of 2022

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

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1. PRAVEEN KUMAR YADAV @ GOLU YADAV SON OF CHABILA YADAV R/O- TADWAN, KHURD, P.S.- GUTHNI, DISTT.- SIWAN
 2. DHARMENDRA KUMAR YADAV @ DHARMENDRA YADAV SON OF LATE HANS NATH YADAV R/O- CHORIDHA, DEORIA, SUTAWAR, UTTAR PRADESH, P.S.- LAAR, DISTT.- DEORIA

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMA SHANKAR BAITHA SON OF LATE SARAL BAITHA R/O TADWA KHURD, P.S.- GUTHNI, DISTT.- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-09-2023 1. Despite valid service issue of notice , no one appears on behalf of the O . P .2.

2. Heard learned counsel for the parties.

3. This appeal has been filed for setting aside order dated 25.08.2022, passed in a case registered for the offence punishable under sections 363/302 and 34 Indian Penal Code and section 25 (1-b) a , 26 of Arms Act and Sections 3 (2)(v)/3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. 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 away 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.

5. It is submitted that F.I.R has been lodged after the delay of one month which itself renders the prosecution case doubtful. informant is not an eye witness. Co-accused having similar and identical allegation have already granted bail.

6. Counsel for the parties oppose the prayer for bail.

7. Considering the delay in lodging F.I.R and similarly situated co-accused has already been granted bail, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of



Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Siwan in connection with Guthni Police Station Case No. 234 of 2020.

(Prabhat Kumar Singh, J)

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