

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1079 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- KARAI PARSURAI District- Nalanda

BIRENDRA YADAV @ VIRENDRA KUMAR Son of Yogi Yadav Resident
of Village-Neshara, Police Station-Karai Parsurai, District-Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. LAV KUSH KUMAR Son of Arjun Ravidas Resident of Village-Kewai
Mahmadpur, P.S.-Khudaganj, District-Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashi Chand Pandey
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-04-2024 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Mr. Sadanand Paswan.

2. This is an appeal 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 for anticipatory bail vide
order dated 18-1-2024 in A.B.P. No. 2308 of 2023 passed by the
learned Additional Sessions Judge VI-cum-Special Judge
S.C./S.T. (POA) Act, Nalanda at Biharsharif in connection with
Karai Parsurai P.S. Case No. 103 of 2023 registered for the
offences punishable under Sections 341, 323, 307, 504, 506 and
34 of the Indian Penal Code, Section 27 of the Arms Act as well



as Sections 3(1)(r), 3(2) of the SC/ST Act.

3. In the nature of allegation as alleged in the FIR, the court is not inclined to extend the privilege of anticipatory bail to the appellant for the reason that the informant alleges that the appellant along with Bharat Yadav dashed Akhtar Alam, a vegetable vendor, and when he objected, he was threatened that he will be taught a lesson after sometime, thereafter this appellant along with Bharat Yadav came back and started assaulting Akhtar Alam and when the same was objected by other vegetable vendors, Bharat Yadav is alleged to have fired causing firearm injury to the informant, a 15 year old boy, who was also selling vegetables adjacent to the shop of Akhtar Alam, though there is no specific allegation against this appellant of firing, but then he was with Bharat Yadav and since Bharat Yadav fired causing injury to the informant, which amply demonstrates that Bharat Yadav in company of the appellant felt emboldened to commit the occurrence.

4. Accordingly, the instant appeal is dismissed.

(Satyavrat Verma, J)

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