

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1127 of 2024

Arising Out of PS. Case No.-133 Year-2023 Thana- MEHANDIGANJ District- Patna

1. Prem Yadav @ Prem Gop S/o Late Lorik Gop Resident of Village Ranipur Baharshi Pani Tanki PS Mehandiganj District Patna
2. Ravindra Gop @ Ravindra Kumar S/o Prem Yadav @ Prem Gop Resident of Village Ranipur Baharshi Pani Tanki PS Mehandiganj District Patna
3. Sakuntla Devi @ Shakuntla Kumari W/o Ravindra Gop Resident of Village Ranipur Baharshi Pani Tanki PS Mehandiganj District Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kailash Ram S/o Siyaram Ram Resident of Village Ithari PO ratanpur PS Ghalad District Madhepura presently posted as ASI in Mehandiganj Police Station Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudra Deo, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-05-2024 1. Heard learned counsel for the appellants and Mr. Binay Krishna learned Special Public Prosecutor 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.01.2024 in A.B.P. No. 9906 of 2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Mehandiganj P.S. Case No. 133 of 2023 registered under Sections 147, 148, 149, 307, 341, 353, 504 and 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the



SC/ST Act.

3. Learned counsel for the appellants submits that appellants no. 1 and 2 have antecedent of four cases and appellant no. 3 has antecedent of one case. It is further submitted that all the cases instituted against the appellants have been instituted by their agnate Shankar Yadav. It is next submitted that Shankar Yadav and his family members are involved in the business of illicit liquor and they store liquor in common places of the house of the appellants. It is also submitted that the local police are also in collusion with Shankar Yadav and his family members and help them in sale and purchase of illicit liquor. It is further submitted that the appellants and their family members protested the act of Shankar Yadav and asked him not to keep liquor in common places as they might get involved, on which Shankar Yadav and his family members came variously armed and fired on the appellants causing firearm injury to Prem Yadav @ Prem Gop (appellant no. 1 herein) and he was admitted in NMCH at Patna. It is next submitted that the said occurrence was committed by Shankar Yadav and others on 16.07.2023 for which the appellants instituted Mehandiganj P.S. Case No. 141 of 2023, dated 26.07.2023 but then the fardbeyan of appellant no. 1 was



recorded at NMCH on 21.07.2023 after he became fit to give his statement. It is also submitted that since there was a dispute in between the side of the appellants and Shankar Yadav as such an altercation had taken place and both sides assaulted each other when the police was informed and, accordingly, the informant of the present case along with the police force reached the place of occurrence and it is alleged that the accused persons including the appellants damaged the police vehicle, tried to set ablaze the vehicle and even abused the informant by taking caste name. It is further submitted that the present FIR is also with respect to the occurrence committed on 16.07.2023. It is next submitted that the appellants and his family members were having dispute with Shankar Yadav on account of which Shankar Yadav and his side came variously armed and caused firearm injury to the appellant no. 1 as such the side of the appellants also retaliated but the police in collusion with Shankar Yadav, instead of arresting them, instituted the present FIR with the aforesaid allegation. It is also submitted that the allegation of abuse is general and omnibus in nature and as far as allegation of damaging and trying to set ablaze the government vehicle is alleged, the same is ornamental in nature. It is further submitted that the entire family of the appellant no. 1 including women



have been implicated. It is next submitted that the appellants are not criminals but then they have dispute with their agnate Shankar Yadav on account of which the aforesaid criminal antecedent stands pleaded in para 3 of the memo of appeal.

4. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

5. Considering the aforesaid submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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