

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1519 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- TILAUTHU District- Rohtas

1. Purnwasi Yadav @ Purnwasi Yadava, Son Of Ramayan Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
2. Rajesh Yadav @ Rajesh Yadava, Son Of Rajbali Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
3. Pappu Yadav, Son Of Bacchan Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
4. Raja Ram Yadav @ Raja Ram Yadava, Son Of Bishan Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
5. Rakesh Yadav @ Rakesh Yadava, Son Of Rajbali Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
6. Sangram Yadav @ Sangram Yadava, Son Of Late Bhola Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
7. Sanjay Yadav @ Sanjay Yadava, Son Of Late Lallan Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
8. Manish Kumar, Son Of Baleshwar Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
9. Jitendra Yadav @ Jitendra Yadava @ Sanjay Yadava, Son Of Bishan Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
10. Ajit Yadav @ Ajit Yadava, Son Of Ram Pravesh Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram
11. Ranbahadur Yadav @ Ranbahadur Yadava, Son Of Late Jayram Yadav Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram

... .. Appellant/s

Versus

1. The State Of Bihar
2. Jayprakash Kumar, Son Of Late Lalmuni Ram Resident Of Village - Maheshdih, P.S. - Tilauthu, District - Rohtas At Sasaram

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deovind Kumar Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-05-2024

1. Heard the learned counsel for the appellants



and the learned Special Public Prosecutor for the State.

2. The learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant nos.1, 2, 3, 4, 5, 6 and 7.

3. Permission is accorded.

4. Accordingly, instant appeal is dismissed as withdrawn with respect to appellant nos.1, 2, 3, 4, 5, 6 and 7.

5. The appellants no.8 to 11 have challenged the order dated 17.01.2024 passed by the learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Tilauthu P. S. Case No.261 of 2023, instituted for the offences under Sections 147, 149, 341, 323, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel for the appellants submits that on account of dispute relating to land, the informant has



instituted the instant false case implicating the appellants, who are persons with clean antecedent and appellant no.8 to 11 are young boys in the age group of 20-24 years. It is also submitted that the allegation against them are general and omnibus in nature. It is further submitted that the F.I.R. does not disclose that the occurrence was witnessed by any independent witness. It is also submitted that the informant alleges that 17 accused persons including the appellants assaulted him, but then, from perusal of the order impugned, it would manifest that all injuries found on the person of the informant and his side are simple in nature, which amply demonstrates that the appellants never had any intention of committing a serious occurrence. It is also submitted that from the side of the appellants, Tilauthu P. S. Case No.260 of 2023 was instituted against the side of the informant and the informant by way of counter-blast, instituted the instant F.I.R. It is also submitted that since appellants are young boys and there is no specific allegation against them, as such, if they are sent to judicial custody their entire career would get jeopardized and chances are



bright that they may come in contact with hardened criminals, which will further restrict their future prospect.

7. Regard being had to the aforesaid submissions, the order dated 17.01.2024 is set-aside.

8. The appeal stands allowed.

9. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Tilauthu P. S. Case No.261 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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