

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1720 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- SINDHIYA District- Samastipur

Jaiveer Yadav @ Jayavir Yadav Son of Late Khushi Lal Yadav Resident of
Village- Bhushna, P.S.- Singhiya, District- Samastipur, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramswarth Paswan Son of Late Jagdish Paswan Resident of Vilage- Dasrath
Dih, P.S.- Singhiya, District- Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajni Kant Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For respondent No. 2	:	Mr. raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-08-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 11.01.2024 , passed in a case registered for the offence punishable under sections 341 , 323 , 307, 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) / 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 27 of Arms



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

3 . As per the prosecution case , on the alleged date and time of occurrence , son of informant went for cutting wheat crop , in meantime , this appellant along with other co-accused persons and five to seven unknown persons came there and abused the son of informant by caste name and when son of informant opposed, accused persons made fire as a result of which he sustained gun shot injury .

4. It is submitted on behalf of appellant that allegation of assault is general and omnibus against the appellant and no specific overt act has been alleged against him. As a matter of fact, prior to this case brother of the appellant lodged Singhiya P S Case No. 266 of 2023 against the prosecution sides in which appellant had sustained injury and was taken to hospital for treatment.

5. However, learned counsel for the respondent No. 2 opposed the prayer for bail and submitted that appellant is named in the F.I.R., and there is specific allegation against this appellant along with other co-accused persons abused the son of informant by caste name and also caused fire arm injury to him. Appellant has got six criminal antecedents of which most of



them are of similar nature .

6. Considering the aforesaid facts, I do not find any reason to interfere with the impugned order, accordingly this appeal is dismissed.

(Prabhat Kumar Singh, J)

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