

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2979 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Ashok Kumar Yadav @ Ashok Kumar S/o- Rajeshwar Rai @ Rajeshwar Prasad Yadav Village- Khairwa Ps- Chiraiya Dist- East Champaran
2. Brij Kumar @ Brijesh Kumar son of Shambhu Rai Village- Khairwa Ps- Chiraiya Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhairav Baitha son of Ramchandra Baitha Village- Khairwa Ps- Chiraiya Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-09-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 21.05.2024 passed in a case registered for the offence punishable under sections 341, 323, 307, 354 B, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)(w)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case, on 21.03.2024, at about 08:00 p.m., in the night, while informant was closing his shop , meanwhile his co-villager appellant No. 1 namely Ashok



Kumar Yadav came there and demanded *Kirana* Articles on credit, and informant demanded his due amount, upon which Ashok Kumar Yadav (appellant No. 1) abused him by his caste name and called Rajkumar Yadav, Brijesh Kumar (appellant No. 2), Kunal Yadav, and 4-5 unknown persons, armed with weapons, and co-accused Rajkumar Yadav also abused informant by his caste name and assaulted him with lathi. It is further alleged that when the mother of informant Savita Devi came to rescue him, accused Brijesh Kumar (appellant No. 2) tore her clothes and abused her by her caste name, and accused Kunal Yadav assaulted his mother with iron rod on her head, resulting in injury to her, and Ashok Kumar Yadav (appellant No. 1) also assaulted her mother on her head. The informant's mother was taken to Sadar Hospital, Motihari, for treatment, and she was referred to Mani Hospital for treatment after 30-32 stitches.

4. It is submitted on behalf of appellants that they have falsely been implicated in this case due to village politics. As a matter of fact, the informant of the present case assaulted the father of appellant No. 2, namely, Shambhu Rai and appellant No. 1, namely, Ashok Kumar Yadav with lathi and also gave knife blow, on account of which they sustained



injuries. The prosecution party also snatched gold chain worth Rs. 72,000/- (Rupees Seventy Two Thousand Only) from the neck of the appellant No. 1. for which Chiraiya P.S. Case No. 119 of 2024 was lodged against informant's side by the father of appellant No. 2. Allegation is general and omnibus against these appellants. Rest of the allegations are ornamental in nature .

5. Learned Special Public Prosecutor for the State opposed the prayer for bail and submitted that specific accusation of assault is against appellant No. 1 and injury caused by appellant No. 1 is grievous in nature .

6. Considering the fact that injury caused by appellant No. 1 is grievous in nature , I do not find any reason to interfere with the impugned order, accordingly the bail appeal with regard to appellant No. 1 is dismissed.

7. Considering the fact that there is general and omnibus allegation of assault against appellant No. 2, the bail appeal is allowed and the impugned order is set aside with regard to appellant No. 2 only . Let the appellant, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/St Act, East Champaran at Motihari in connection with Chiraiya Police Station Case No. 110 of 2024 .

(Prabhat Kumar Singh, J)

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