

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3517 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- JANKINAGAR District- Purnia

1. RANJEET KUMAR @ CHUNNA YADAV SON OF RAM PRAKASH YADAV RESIDENT OF VILLAGE- JHALIGHAT, PS- JANKI NAGAR, DIST- PURNEA
2. VARUN KUMAR SON OF SHIV NARAYAN RAY RESIDENT OF VILLAGE- LADU GARH, PS- JANKI NAGAR, DIST- PURNEA
3. RAHUL KUMAR SON OF SUBHASH YADAV RESIDENT OF VILLAGE- JHALIGHAT, PS- JANKI NAGAR, DIST- PURNEA
4. PRAWEEEN KUMAR SINTU @ SINTU KUMAR SON OF BABAJI YADAV RESIDENT OF VILLAGE- JHALIGHAT, PS- JANKI NAGAR, DIST- PURNEA
5. MANISH YADAV @ MANISH KUMAR SON OF BIPAT YADAV RESIDENT OF VILLAGE- ITHARI, PS- JANKI NAGAR, DIST- PURNEA
6. DEEPAK YADAV SON OF CHANDRESHWARI YADAV RESIDENT OF VILLAGE- JHALIGHAT, PS- JANKI NAGAR, DIST- PURNEA
7. RITESH KUMAR SON OF BINOD YADAV RESIDENT OF VILLAGE- LADUGARH, PS- JANKI NAGAR, DIST- PURNEA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JAWAHAR PASWAN SON OF LATE SAGUNI PASWAN RESIDENT OF VILLAGE- MADHUBAN VISHWAKARMA CHOUK, PS- JANKI NAGAR, DIST- PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar Singh, Advocate
For the Respondent No.1:		Mr. Binay Krishna, SPP
For the Respondent No. 2:		Mr. Satish Kumar Singh, Advocate
	:	Mr. Dinesh Maharaj, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 30-08-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.



2. The instant appeal has been filed by the appellants against the order dated 14.07.2023 passed by Special Judge, SC/ST Act, Purnea whereby the prayer for anticipatory bail of the appellants in connection with Janki Nagar P.S. Case No. 105 of 2023 under Sections 147, 148, 341, 323, 379, 354, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s)(w) of SC/ST Act was rejected.

3. The prosecution case, in short, is that the accused persons including the present appellants abused and assaulted the informant and also threatened to kill him. It is also alleged that they also snatched silver and golden chain.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Learned counsel for the appellants submits that appellants have not committed that any offence as alleged in the FIR. Learned counsel further submits that the allegation against the appellants is false and concocted and only in order to save himself, the informant has lodged the present case. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the



informant in public view. The appellants have no criminal antecedent. The co-accused person has already been granted regular bail by this Bench vide order dated 22.03.2024 passed in Criminal Appeal (SJ) No. 5321 of 2023.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants, stating that all the accused persons including these appellants have assaulted the informant and his wife and threatened them. Learned counsel for the informant further submits that, it is evident from the FIR itself, that there is specific allegation against Ranjeet Kumar @ Chunna Yadav of abusing and assaulting the informant and therefore, he does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid fact that there is specific allegation of abusing and assaulting the informant against the Appellant No. 1, namely, Ranjeet Kumar @ Chunna Yadav, this Court is not inclined to grant bail to Ranjeet Kumar @ Chunna Yadav (Appellant No. 1). So far as other appellants are concerned, since there is no specific allegation against them, this Court is inclined to grant bail to the appellants i.e. Appellant Nos. 2 to 7. Accordingly, the order dated 14.07.2023 passed by Special Judge, SC/ST Act, Purnea is set aside in respect of



Appellant Nos. 2 to 7. Accordingly, the appeal is partly allowed.

7. In view of the above, **the prayer for grant of bail to the Appellant No. 1, namely, Ranjeet Kumar @ Chunna Yadav stands rejected.** However, liberty is granted to the Appellant No. 1 to surrender before the learned court below and, thereafter seek regular bail.

8. On the other hand, let the **Appellant Nos. 2 to 7, abovenamed, be released on bail on** furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Janki Nagar P.S. Case No. 105 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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