

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3630 of 2023

Arising Out of PS. Case No.-33 Year-2014 Thana- SC/ST District- Darbhanga

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- 1 . BHAGWAT YADAV S/O GANGA YADAV @ GANGA SINGH
RESIDENT OF VILLAGE- KHARAJ, POLICE STATION- KEWATI,
DISTRICT- DARBHANGA.
 2. LALAN YADAV S/O BHALLU YADAV RESIDENT OF VILLAGE-
KHARAJ, POLICE STATION- KEWATI, DISTRICT- DARBHANGA.
 - 3 . RAMAWATAR YADAV S/O SARYU YADAV RESIDENT OF VILLAGE-
KHARAJ, POLICE STATION- KEWATI, DISTRICT- DARBHANGA.
 4. VINOD YADAV @ VINOD KUMAR YADAV S/O SHIVJI YADAV
RESIDENT OF VILLAGE- KHARAJ, POLICE STATION- KEWATI,
DISTRICT- DARBHANGA.
 - 5 . BHUVAN YADAV S/O RAMDEO YADAV RESIDENT OF VILLAGE-
KHARAJ, POLICE STATION- KEWATI, DISTRICT- DARBHANGA.
 6. RAMNATH YADAV S/O ROOP LAL RAI RESIDENT OF VILLAGE-
KHARAJ, POLICE STATION- KEWATI, DISTRICT- DARBHANGA.
 7. DEBU ROY S/O RAMADHIN ROY RESIDENT OF VILLAGE-
KHARAJ, POLICE STATION- KEWATI, DISTRICT- DARBHANGA.
 - 8 . SURESH ROY S/O DEBU ROY RESIDENT OF VILLAGE- KHARAJ,
POLICE STATION- KEWATI, DISTRICT- DARBHANGA.
 9. VIBHO YADAV S/O GHURAN YADAV RESIDENT OF VILLAGE-
KHARAJ, POLICE STATION- KEWATI, DISTRICT- DARBHANGA.
 - 10 . RAMNARAYAN YADAV S/O BHALLU YADAV RESIDENT OF
VILLAGE- KHARAJ, POLICE STATION- KEWATI, DISTRICT-
DARBHANGA.

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. ANITA DEVI W/O MAHANTH PASWAN RESIDENT OF VILLAGE-
KHARAJ, POLICE STATION- KEWATI, DISTRICT- DARBHANGA

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-09-2024 Heard learned counsel for the parties. Despite valid
service of notice nobody appears on behalf of respondent No. 2.



2. This appeal has been filed for setting aside order dated 13.06.2023 passed in a case registered for the offence punishable under sections 341, 342, 325 , 147, 323 , 379, 354, and 504 and other allied sections of the Indian Penal Code and sections 3(i)(x) & 3(i)(xi) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case, in brief, is that on 25.06.2014, at about 7 p.m., on occasion of the marriage of nephew of informant named Ajay Kumar Paswan, along with other women of the village, went to Kali Mandir in the village on Bolero and when they reached Mandir, in the meantime petitioner No. 1 Bhagwat Yadav of the same village was restricted to park a vehicle in front of Mandir, and so petitioner No. 1 and other 12 F.I.R., named persons also started abusing and assaulting women . It is further alleged that the son of informant Sunil Kumar went to mediate the issue, on which appellant No. 1 Bhagwat Yadav and appellant no. 2 Lalan Yadav assaulted him with iron rod and bamboo, as a result of which he sustained injuries on the right hand and left shoulder, and other accused persons broke the vehicle with bricks, bats, and lathi due to which women from informant sides were also



injured. It is further alleged that appellant no. 2 Lalan Yadav caught the sister-in-law of informant with bad intention and snatched Mangal Sutra from her and cash of Rs. 5000/-. It is further alleged that on Hulla , when village people arrived, all the accused persons fled away .

4. It is submitted that these appellants are innocent and committed no offence as alleged. Allegation of assault is general and omnibus. Injuries allegedly caused by these appellants are simple in nature . Rest of the allegations are ornamental in nature . It is not the case of prosecution that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellants.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned 10th Additional



Sessions Judge- I –cum- Exclusive Special Judge, SC/St (POA)
Act Darbhanga in connection with Sadar Darbhanga Police
Station Case No. 33 of 2014.

(Prabhat Kumar Singh, J)

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