

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4196 of 2022

Arising Out of PS. Case No.-149 Year-2020 Thana- BODHGAYA District- Gaya

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1. Sanjay Yadav @ Sanjay Kumar Son Of Dukhi Yadav R/O Village- Moratal, P.S.- Bodh Gaya, District- Gaya
 2. Kundan Kumar @ Sajan Kumar Son Of Sanjay Yadav R/O Village- Moratal, P.S.- Bodh Gaya, District- Gaya
 3. Ranjeet Kumar Son Of Raja Yadav @ Rajendra Yadav R/O Village- Moratal, P.S.- Bodh Gaya, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Anand Kumar Son Of Late Ramesh Paswan R/O Sipahi-33, Darbhanga, District- Bal Me Padsthapit, P.S- Darbhanga, District- Darbahanga Permanent R/O Village- Moratal, P.S.- Bodhgaya, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 17-05-2024 1. Heard the learned counsel for the appellants and the learned Special P.P. Mr. Binay Krishna.
2. The learned counsel for the appellants at the outset seeks permission to withdraw the appeal with respect to appellant no.2 Kundan Kumar @ Sajan Kumar.
3. Permission is accorded.
4. It is next submitted that the notices on behalf of O.P. No.2 was received by his nephew and a jointness petition has been filed.
5. Since the jointness petition has been filed, as such,



the notice is deemed to have been validly served.

6. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.10.2022 in A.B.P. No. 243 of 2022 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Bodhgaya P.S. Case No. 149/2020 registered under Sections 147, 148, 149, 323, 324, 325, 337, 308, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) of SC/ST Act.

7. Learned counsel for the appellants submits that appellant no.1 is a person with clean antecedent and appellant no.3 has antecedent of one case and have been falsely implicated in the present case by the informant. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that altogether 20 persons have been made accused in the F.I.R. with general and omnibus allegation of assault and abuse. It is further submitted that the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witness.

8. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellants.



9. Considering the submissions of the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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