

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4959 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- Mufassil District- Khagaria

MITHILESH YADAV @ MITHILESH KUMAR @ MITHLESH YADAV
S/O LATE DASRATH YADAV @ TIKULI YADAV R/o vill and P.O.- Amni,
P.S. - Mansi, Distt.- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Devi @ Mamta Kumari W/o Late Rohit Ram R/o vill and P.o- Amni,
P.S.- Mansi, Distt.- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Prasad Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 10-12-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 26.09.2024, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST, Khagaria, in ABP No. 57 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Mufassil Police Station Case No. 112 of 2024 registered for the offence punishable under Sections 191(2)/191(3)/190/103(1) of the Bharatiya Nyaya Sanhita and Section 3(v)(a) of the Schedule



Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 22.08.2024, upon information that the appellant, along with 9-10 co-accused persons, have surrounded one Sanjive Ram of the their village and are firing indiscriminately upon him due to which he died and when the informant, his husband and others reached at the place of occurrence and intervened, the appellant, along with other accused person, assaulted and abused the informant, his husband and others by their caste name and also fired upon them due to which the husband of the informant died by firing made by co-accused Chabila Yadav.
4. Learned counsel for the appellant submits that both the parties are co-villagers and he has has falsely been implicated in the present case due to village politics. He next submits that the allegation against the appellant, along with others, are general and omnibus in nature and specific allegation of firing upon the deceased is against co-accused Chabila Yadav and not against the appellant. He further submits that provision of SC/ST Act is not made out against the appellant inasmuch as there no



intention on the part of the appellant to humiliate the informant and others and alleged allegation of abusing by caste name is not in public place.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the gravity of offence and severity of punishment and the fact that the appellant is a member of unlawful assembly having criminal antecedents and due to firing the deceased has died, I am not inclined to grant the appellant privilege of anticipatory bail.
6. This appeal is, accordingly, rejected and the order, dated 26.09.2024, passed by learned Additional Session Judge I -cum- Special Judge, SC/ST, Khagaria, in ABP No. 57 of 2024, is hereby affirmed.

(Anil Kumar Sinha, J)

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