

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.226 of 2023**

Arising Out of PS. Case No.-959 Year-2022 Thana- MUFFASIL District- West Champaran

1. Deepak Yadav @ Deepak Kumar S/O Devendra Yadav R/V- Gudra Ward No. 02, P.S.- Majhauria, District- West Champaran At Present Residing At Village- Krishna Nagar R.L.S.Y. College, P.S.- Bettiah Muffasil, District- West Champaran
2. Mohit Yadav @ Mohit Kumar S/O Devendra Yadav R/V- Gudra Ward No. 02, P.S.- Majhauria, District- West Champaran At Present Residing At Village- Krishna Nagar R.L.S.Y. College, P.S.- Bettiah Muffasil, District- West Champaran
3. Brij Kishore Yadav @ Brij Kishore Kumar S/O Late Ekbal Yadav @ Akbal Yadav R/V- Gudra Ward No. 02, P.S.- Majhauria, District- West Champaran At Present Residing At Village- Krishna Nagar R.L.S.Y. College, P.S.- Bettiah Muffasil, District- West Champaran
4. Devendra Yadav S/O Late Ekbal Yadav @ Akbal Yadav R/V- Gudra Ward No. 02, P.S.- Majhauria, District- West Champaran At Present Residing At Village- Krishna Nagar R.L.S.Y. College, P.S.- Bettiah Muffasil, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Ram S/O Mohan Ram R/V- Purvi Kargahiya, Ward No 07, P.S.- Bettiah Muffasil, District- West Champaran

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Brij Kishor Mishra  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 4      24-09-2024      1. Heard 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.4, namely, Devendra Yadav.
3. Permission is accorded.



4. 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 08.12.2022 in A.B.P. No. 3441/2022 passed by the learned Incharge Additional District and Sessions Judge-I-cum-Special Judge, SC/ST, West Champaran, Bettiah in connection with Bettiah (M) P.S. Case No.959/2022, registered under Sections 341, 323, 354, 504, 506, 379, 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST (POA) Act.

5. Learned counsel for the appellants submits that notices were issued on respondent no.2 and the same was received by the father of respondent no.2, for which, a jointness application was filed. Since the jointness application has been filed, as such, the notice is deemed to have been validly served.

6. It is next submitted that the appellants are persons with clean antecedent and the informant alleges that on 30.10.2022 at 6.00 P.M., while he was going to the market on his bicycle, when his bicycle touched the body of Deepak, on which, he abused by taking his caste name and when the same was objected, the accused persons including the appellants came with lathi, danda and iron rod and Deepak and Mohit caught the



informant while Devendra assaulted him by an iron rod causing injury on head. Thereafter, all the accused persons assaulted him by fist, leg and lathi, further his wife came to his rescue when Brij Kishore caught her hair and dashed her on the ground and tore her saree and blouse and Mohit snatched Rs.5000/- from the pocket.

7. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that informant despite receiving notice chooses not to appear for the reason that he is aware that a false case has been instituted. It is also submitted that the injury suffered by the injured is simple in nature and the F.I.R. does not even remotely suggest that the occurrence was witnessed by any independent witness, when it is alleged that the occurrence took place in a market place.

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

9. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. 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 bond 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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