

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.458 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- WAJIRGANJ District- Gaya

Lakhan Yadav @ Ramlakhan Yadav son of Late Sukar Yadav Village- Nakati
Mahugain Ps- Wazirganj Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Fula Devi wife of Ramjanam Manjhi Village- Nakati Mahugain Ps-
Wazirganj Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh, Advocate
For the State : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-07-2025 Heard Mr. Prithivi Raj Singh, learned counsel for the

appellant and Mr. Sadanand Paswan, learned Special Public

Prosecutor for the State.

2. Despite of valid service of notice upon Respondent
No. 2, no one appears on behalf of Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
25.11.2023 passed in A.B.P. No. 384 of 2023 by the learned
Court of Exclusive Special Judge SC & ST, Special Court, Gaya
in connection with Wazirganj P.S. Case No. 415 of 2023, F.I.R.
dated 09.07.2023 registered under Sections 341, 323, 354, 307
and 34 of the Indian Penal Code and Sections 3 (i)(r)(s), 3(2)



(va) of the Scheduled Castes and Scheduled Tribes (POA) Act, 2016.

4. According to the prosecution case, all the accused persons including this appellant are said to have assaulted the informant and abused him by taking his caste name.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. Although, the appellant is named in the FIR, but from a bare perusal of the FIR, it appears that the present case is counter blast of Wazirganj P.S. Case No. 410 of 2023 and apart from that there is no specific allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including this appellant. It is further submitted that similarly situated co-accused persons, namely, Naresh Yadav @ Naresh Kumar Yadav and Vijay Yadav @ Vijay Prasad Yadav have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 12.09.2024 passed in Cr. Appeal (SJ) No. 5470 of 2023.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant but fairly submits that there is no specific allegation against the



appellant as alleged in the FIR.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the facts and circumstances of the case, the appellant has clean antecedent, there is no specific allegation against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant and similarly situated co-accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court, let the appellant, above named, in the event of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge SC & ST, Special Court, Gaya in connection with Wazirganj P.S. Case No. 415 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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