

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.502 of 2025

Arising Out of PS. Case No.-572 Year-2024 Thana- FATUA District- Patna

-
-
1. Sonu Yadav Son of Karu Yadav Resident of Village- Ranipur, P.O and P.S.- Fatuha, District- Patna
 2. Niraj Kumar Son of Manoj Yadav Resident of Village- Ranipur, P.O and P.S.- Fatuha, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kabita Devi Wife of Lal Bahadur Paswan Resident of Village- Ranipur, P.S.- Fatuha, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 28-02-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.
2. An order, dated 02.01.2025, passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna, in ABP No. 4910 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 appellants in connection with Fatuha Police Station Case No. 572 of 2024 registered for the offence punishable under Sections 126(2)/115(2)/103(1)/352/61(2) of the



Bharatiya Nyaya Sanhita, Section 27 of the Arms Act and Sections 3(1)(r)(s)/3(2)(v) 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, at about 06:0 PM, the husband of the informant was working in construction of village temple. In the meantime, all the accused persons, including the appellants, having arms in their hands, arrived there and started abusing the informant's husband by taking caste name. It has further been alleged that the appellant no. 1 caught hold of the informant's husband and the co-accused Bhola Yadav fired upon the informant's husband, who died during the course of treatment.
4. Learned counsel for the appellants submits that the appellants have not committed any offence in the manner alleged and no overt act has been alleged against them. He next submits that allegation of firing on informant's husband is specifically upon co-accused Bhola Yadav. He next submits that false and concocted allegation has been leveled against the appellants due to village politics.



5. No one appears on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the appellants are specifically named in the FIR, the appellants and others surrounded the informant's husband, the appellant no. 1 caught hold of the deceased and one of the co-accused fired upon him, due to which he died, accordingly, I am not inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, rejected and the order, dated 02.01.2025, passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna, in ABP No. 4910 of 2024, is hereby affirmed.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

