

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.666 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- SANDESH District- Bhojpur

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Mukesh Yadav SON OF LORIK YADAV RESIDENT OF VILLAGE-
TIRTHKAUL, PS- SANDESH, DIST- BHOJPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. CHANDAN PASI SON OF LATE GORAKH PASI RESIDENT OF
VILLAGE- TIRTHKAUL, PS- SANDESH, DIST- BHOJPUR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Diwakar, Advocate Mr. Deepak Kumar, Advocate Ms. Priya Kumari, Advocate Mrs. Anjali Kumari, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-07-2025 Heard Mr. Diwakar, learned counsel for the appellant
and Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite 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
06.11.2023 passed by the learned 1st Additional Sessions Judge-
cum-Special Judge, S.C./S.T. Act, Bhojpur at Ara in connection
with Sandesh P.S. Case No. 222 of 2023, F.I.R. dated
10.09.2023 registered under Sections 341, 323, 304, 504, 506
and 34 of the Indian Penal Code and Section 3(1)(r)(s)/3(ii)(v)
of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 09.09.2023 at



about 06:30 P.M., the informant was sitting at his home when co-accused, Praduman Yadav and the appellant, Mukesh Yadav arrived and abused him using caste-related slurs. Upon the informant's objection, Praduman Yadav called his brother and friend, who arrived with *lathi* and *danda*. They all started abusing the informant and the appellant and co-accused assaulted him with *lathi* on the head, causing bleeding injuries.

5. Learned counsel for the appellant submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. From a bare perusal of the F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 09.09.2023 but the present F.I.R. has been instituted on 10.09.2023 i.e. after delay of one day which suggests that the informant has filed the present case afterthought only to falsely implicate the appellant in the present case. Although the appellant is named in the F.I.R., but from a bare perusal of the F.I.R., it appears 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 the appellant. Although, informant has received injury but the injury report of the informant suggests that the injury is simple in nature caused by



hard and blunt substance.

6. Learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R. and the appellant carries two more cases other than the present one.

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 aforesaid facts that there is no specific allegation against the appellant as alleged in the F.I.R. and the injury report of the informant suggests that the injury is simple in nature, let the appellant, above named, in the event of his arrest or 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 Additional Sessions Judge-cum-Special Judge, S.C./S.T. Act, Bhojpur at Ara in connection with Sandesh P.S. Case No. 222 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 appellant. 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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