

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.760 of 2024

Arising Out of PS. Case No.-63 Year-2023 Thana- SC/ST District- Kaimur (Bhabhua)

1. Kanhaiya Yadav @ Raj Kumar Yadav Son of Late Jhanar yadav @ Jhanar Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)
2. Vishwanath Yadav @ Vishwanath Singh Son of Late Bhulan Yadav @ Bhulan Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)
3. Pradeep Yadav @ Pradeep Kumar Son of Late Sant Yadav @ Sant Prasad Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)
4. Ranjeet Yadav @ Ranjeet Kumar Yadav Son of Shriram Yadav @ Shriram Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)
5. Rangbahadur Yadav @ Rangbahadur Singh Son of Ramsurat Yadav @ Ramsurat Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)
6. Sunil Yadav @ Sunil Kumar Singh Son of Shankar Yadav @ Shankar Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)
7. Mukhiya Yadav @ Prashuram Kumar Son of Sriram Yadav @ Sriram Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)
8. Sriram Yadav @ Sriram Singh Son of Ramsurat Yadav @ Ramsurat Singh Resident of Village- Murhariya, P.S.- Mohaniyan, district- Kaimur (Bhabhua)

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaji Devi Wife of Surendra Ram Resident of Village- Murhariya, P.S.- Mohaniyan, District- Kaimur (Bhabhua)

... .. Respondent/s



Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
For the State : Mr. Usha Kumari 1, Spl. P.P.
For Respondent No. 2 : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-08-2025 Heard Mr. Anuj Kumar, learned counsel for the appellants, Mr. Arvind Kumar, learned counsel for the respondent No. 2 and Ms. Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 10.01.2024 passed by the learned Special Court SC/ST Act, Kaimur at Bhabhua in connection with SC/ST (Bhabhua) P.S. Case No. 63 of 2023, F.I.R. dated 17.12.2023 registered under Sections 341, 323, 354, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1) (r) (s) (w)/ 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the appellants are alleged to have abused and assaulted the informant and his son with sharp weapons.

4. Learned counsel for the appellants submits that appellants have clean antecedent. The allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. It appears from



the FIR itself that there is no specific allegation of any assault or overt act attributed against these appellants rather there is general and omnibus allegation. There is case and counter case. Both the sides have received injuries and it appears from the FIR that due to some petty dispute, the present occurrence has taken place. Apart from the aforesaid, the injuries inflicted upon the injured persons are simple in nature cause by hard and blunt substance.

5. Learned counsel for respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the FIR and from a bare perusal of FIR, it appears that there is specific allegation against appellant No. 4 that he has abused the informant with caste name and also assaulted her.

6. Considering the aforesaid, let appellant Nos. 1, 2, 3 and 5 to 8, in the event of their 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) each with two surities of the like amount each to the satisfaction of learned Special Court SC/ST Act, Kaimur at Bhabua in connection with



SC/ST (Bhabhua) P.S. Case No. 63 of 2023 (ABP No. 1930 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. Appellants 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 appellants 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 appellants and in case at any stage it is found that the appellants have 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.

7. So far as appellant No. 4 is concerned, his prayer



for anticipatory bail is rejected.

8. Accordingly, the impugned order is set aside and this appeal with respect to appellant Nos. 1, 2, 3 and 5 to 8 stands allowed and with respect to appellant No. 4, this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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