

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.919 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- PANCHRUKHI District- Siwan

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1. Dipu Kumar Yadav @ Dippu Yadav S/O Nand Kishor Yadav R/O Village- Lahegi, P.S- Mh Nagar, Distt.- Siwan.
 2. Rohit Kumar Yadav S/O Saheb Lal Yadav R/O Village- Lahegi, P.S- Mh Nagar, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Vikesh Kumar Prasad S/O Krishna Nath Prasad R/O Village- Lahegi, P.S- Mh Nagar, Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Kumari Anupam, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Udit Narayan Singh, Mr. Gajendra Kumar Singh, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-09-2025 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. Public Prosecutor for the State.

2. This criminal appeal has been filed against the order dated 12.10.2023 passed by learned Additional Sessions Judge-1st-cum-Special Judge (SC & ST) Act, Siwan in ABP No. 1765 of 2023 in connection with Pachrukhi (M H Nagar) P.S. Case No. 136 of 2023, instituted under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(a)(s), 3(2)(va) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per F.I.R., on 28.05.2023 at 9 PM, when informant along with his younger brother was returning after attending *Tilak* ceremony, 6 named accused persons, including these appellants, abused informant by caste name and thereafter, appellant no. 2 assaulted on his head with *lathi* and appellant no. 1 took out Rs. 5,000/- cash from his pocket.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. F.I.R. has been lodged after inordinate delay of three days which itself raises doubt over veracity of the prosecution case. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these appellants. Injuries sustained by the injured are simple in nature. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against these appellants. Rest of the allegations are ornamental only to make the case grave. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.



6. Considering the nature of accusation and injury, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge (SC & ST) Act, Siwan in connection with Pachrukhi (M H Nagar) P.S. Case No. 136 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 12.10.2023 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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