

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1104 of 2024

Arising Out of PS. Case No.-143 Year-2017 Thana- TEKARI District- Gaya

AKHILESH YADAV Son of Late Amirak Yadav Resident of Village-
Bahanpur, Police Station-Main, District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNNA CHOUDHARY Son of Late Basant Choudhary Resident of
Village-Chakmath, P.S.-Tekari, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant : Mr. Aryan Singh, Advocate
For the State : Ms. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 08-05-2025 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

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

3. This appeal has been filed for setting aside order
dated 04.10.2023 passed in a case registered for the offence
punishable under Sections 147, 148, 149, 323, 307, 509, 504,
506 and 354 of the Indian Penal Code, Section 27 of the Arms
Act and Section 3(i)(r)9s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of the appellant has been rejected.



4. As per prosecution case, 7 named and 15-20 unknown persons, including this appellant, assaulted and abused informant and others by caste name. It is further alleged that they also fired.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is quite innocent and has committed no offence. Appellant is not named in the F.I.R. and his name transpired in this case during course of investigation. There are general and omnibus allegation of firing which caused injury on the leg of Rakesh Kmar. It is further submitted that similarly situated co-accused namely Akhilesh Singh has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide judgment dated 11.12.2018 passed in Cr. App. (SJ) No. 3759 of 2018. It is further submitted that it is not the case of the prosecution that any member of the public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

6. On the other hand, learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant and submitted that there is specific allegation that this appellant, along with other accused persons,



indiscriminately fired as a result of which one Rakesh Kumar sustained gun shot injuries. Appellant has got two criminal antecedents.

7. Considering the nature of accusation and criminal antecedents of the appellant, this appeal is dismissed.

(Prabhat Kumar Singh, J)

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