

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1407 of 2025

Arising Out of PS. Case No.-585 Year-2024 Thana- MAHARAJGANJ District- Siwan

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1. Dharmendra Yadav S/o- Ramchandra Yadav village - Jigarawa , P. S - Maharajganj, District - Siwan
 2. Maya Devi W/o- Dharmendra Yadav village - Jigarawa , P. S - Maharajganj, District - Siwan
 3. Mukhtar Yadav Son of Ramchandra Yadav village - Jigarawa , P. S - Maharajganj, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Umashankar Mushar S/o- Ashok Mushar village - Sarai Padauli , P. S - Bhagwanpur, District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramadhar Shekhar, Advocate
For the Resp. No.2	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-07-2025 Learned counsel for the appellants seeks permission to withdraw the present appeal with respect to appellant no.1, namely, Dharmendra Yadav.

3. Permission, as prayed for, is accorded.

4. Accordingly, the present appeal stands dismissed as withdrawn with respect to appellant no.1, namely, Dharmendra Yadav.

5. Heard Mr. Ramadhar Shekhar, learned counsel for the appellants, Mr. Ashok Kumar, learned counsel for the Respondent No.2 as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the State.



6. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 15.02.2025 passed by the learned Court of 1st Additional Sessions Judge cum Special Judge, Siwan in A.B.P. No. 3199 of 2024 arising out of Maharajganj P.S. Case No. 585 of 2024, F.I.R. dated 06.12.2024 registered under Sections 126(2), 115(1), 303(2), 352, 351(1), 3(5) of Bharatiya Nyay Sanhita, 2023 and Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

7. According to the prosecution case, the informant alleged that on 05.12.2024, when he went to the house of appellant no.1, namely, Dharmendra Yadav to asked for his wages, then the appellants assaulted and abused him by his caste name.

8. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the specific allegation is against co-accused person, namely, Dharmendra Yadav that he spit bite on the face of the informant and apart from that the appellant no.2, namely, Maya Devi took out the cash of Rs.1000/- from the pocket of the informant. He further submits that the allegation against appellant no.2 is



ornamental and no such occurrence as alleged has ever taken place and apart from that there is no specific allegation against these appellants.

9. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellants.

10. 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.

11. Considering the aforesaid facts and circumstances, appellants have clean antecedent and there is no specific allegation against these appellants, let the appellants, above named, 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) with two surities of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Maharajganj P.S. Case No. 585 of 2024 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 their absence on two consecutive dates without sufficient reason, their 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 their 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.

12. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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