

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2762 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- DHANGAI District- Gaya

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UMESH YADAV SON OF MAHAVIR YADAV RESIDENT OF VILLAGE
REWDA, PS BARACHATTI , DIST GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. PHUL KUMARI DEVI WIFE OF NIMDHARI MANJHI RESIDENT OF
VILLAGE- CHOURDAHA, PS- DHANGAI, DISTRICT- GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha. Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 12-08-2025 Heard Mr. Sanjay Kr. Sinha. learned counsel for

the appellant as well as Mr. Sadanand Paswan, learned Spl.P.P.

for the State.

2. Despite of entered appearance through
Vakalatnama on behalf of 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
04.05.2023 passed by the learned Court of Exclusive Special
Judge, SC/ST Act, Gaya in A.B.P. No. 140 of 2023 arising out
of Dhangai P.S. Case No. 37 of 2023, F.I.R. dated 07.03.2023
registered under Sections 302/34 of the Indian Penal Code and



Sections 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that the appellant along with other co-accused persons committed the murder of her husband (now, deceased).

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. It appears from the FIR itself that the informant herself admitted that due to previous dispute the appellant has committed the present crime in question and allegation against the appellant is that he along with other co-accused person have assaulted the husband of the informant with the iron rod and he died but the post-mortem report of the deceased does not support the allegation as alleged in the FIR.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant on the ground that the appellant is named in the FIR but fairly submits that the allegation as alleged against the appellant is not supported by the post-mortem report and apart from that the



appellant carries one criminal antecedent 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 and circumstances and the fact that the allegation as alleged against the appellant is not supported by the post-mortem report, 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 Court of Exclusive Special Judge, SC/ST Act, Gaya in connection with Dhangai P.S. Case No. 37 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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