

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2564 of 2024

Arising Out of PS. Case No.-952 Year-2023 Thana- FORBESGANJ District- Araria

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1. Shashi Yadav @ Shashi Kumar Yadav @ Shashi Kumar, Son of Krishna Mohan Yadav, Resident of Village - Deviganj, Ward No.- 07, P.S.- Narpatganj, District - Araria
 2. Shankar Yadav @ Shankar Kumar Yadav, Son of Satyadeo Yadav, Resident of Village - Deviganj, Ward No.- 07, P.S.- Narpatganj, District - Araria
 3. Abdhesh Yadav @ Avdesh Kumar, Son of Satya Narayan Yadav, Resident of Village - Deviganj, Ward No.- 07, P.S.- Narpatganj, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Masomat Rita Devi, Wife of Rupes Marik, Resident of Village - Amhara, P.S.- Forbesganj, District - Araria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kishore Bharti, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 30.04.2024 passed by the learned Court of 1st Additional Sessions-cum-Special Judge, Araria in connection with Forbesganj P.S. Case No. 952 of 2023 registered for the



offences punishable under Sections 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(d), 3(2) (va) of the SC/ST Act read with Section 3 of Bihar Medical Service Institution and Person Protection Act, 2011.

3. The case of the prosecution is that the respondent is a sweeper at Hospital, namely, Ishwar Dayal. It is alleged that the appellants have come to that hospital with their father and that after some medications, they took home their father and after some time, they again arrived with 20 to 25 unknown persons and the dead body of their father, namely, Krishna Mohan Yadav. It is further alleged that the appellants started abusing with caste name and that they have disrobed the respondent and have also taken away Rs. 1, 50, 000/- from the cash box. They have caused mischief to the hospital. The hospital has suffered altogether a loss of Rs. 3,00,000/-.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. They are innocent and they have committed no offence. It has also been submitted that the occurrence is of 08.10.2023 and the F.I.R. was lodged on 12.10.2023 whereas the Police Station is at a distance of 1 K.M. It has also been submitted by learned counsel for the appellants that the wife of the deceased has also



filed Forbesganj P.S. Case No. 951 of 2023 and thereafter, the doctors of the hospital taking respondent no.2 in connivance got the instant F.I.R. instituted to coerce the appellants into submission. It is just a counter blast of the F.I.R. filed by the mother of the appellants. The appellants are having no criminal antecedent.

5. Learned Spl. P.P. for the State has vehemently opposed the appeal thought he has submitted that from perusal of the F.I.R. and factual matrix of the case it seems that respondent no.2 in connivance with the doctors of the hospital have filed this case to coerce the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 30.04.2024 passed by the learned Court of 1st Additional Sessions-cum-Special Judge, Araria in connection with Forbesganj P.S. Case No. 952 of 2023 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with



Forbesganj P.S. Case No. 952 of 2023, subject to the conditions
as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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