

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.117 of 2021

Artheiring Out of PS. Case No.-54 Year-2020 Thana- SIKTA Dtheirtrict- West Champaran

1. Chhabila Yadav Son of Krishandev Yadav Resident of Village- Mangalpur Behari, P.S.- Sikta, District- West Champaran.
2. Raghuvir Yadav Son of Bagar Yadav Resident of Village- Mangalpur Behari, P.S.- Sikta, District- West Champaran.
3. Nandlal Yadav Son of Krishandev Yadav Resident of Village- Mangalpur Behari, P.S.- Sikta, District- West Champaran.
4. Kamlesh Yadav Son of Krishandev Yadav Resident of Village- Mangalpur Behari, P.S.- Sikta, District- West Champaran.
5. Vashist Yadav @ Vashist Yadav Son of Jay Narayan Yadav Resident of Village- Mangalpur Behari, P.S.- Sikta, District- West Champaran.
6. Bhikham Yadav Son of Late Lachmi Yadav Resident of Village- Mangalpur Behari, P.S.- Sikta, District- West Champaran.

... .. appellant/s

Versus

1. The State of Bihar
2. Bhoj Ram Son of Late Kailash Ram Resident of Village- Mangalpur, Behari, P.S.- Sikta, District- West Champaran

... .. Respondent/s

Appearance :

For the appellant/s	:	Mr. Pratyush Nandan, Advocate
		Mr. Manaur Alam, Advocate
For the Respondent State:		Mr. Binay Krishna, Spl.P.P.
For the Respondent No.2:		Mr. Ashok Kr. Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-04-2025 Heard Mr. Pratyush Nandan, learned counsel for the appellants, Mr. Binay Krishna, learned Spl.P.P. for the State as well as Mr. Ashok Kr. Gupta, learned counsel appearing on behalf of Respondent No. 2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated



29.08.2020 passed by the learned Court of 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 1243 of 2020 in connection with Sikta P.S. Case No. 54 of 2020, F.I.R. dated 03.06.2020 registered under Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code and Sections 3 (i) (r) (s) (ii) (v-a) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, all these appellants over a petty dispute, assaulted the respondent no. 2 and his family members and also abused them by taking their caste name.

4. 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 allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the date of occurrence is 31.05.2020 but the present F.I.R. has been instituted on 02.06.2020 i.e., after delay of two days without giving any explanation of the said delay. Apart from that it appears that there is no specific allegation of assault against these appellants rather there is general and omnibus allegation



against all the accused persons including these appellants.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R and with the common intention, they have assaulted the respondent no. 2 and his family members.

6. 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.

7. Hence, let the appellants, above named, in the event of their arrest to 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 District & Sessions Judge-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Sikta P.S. Case No. 54 of 2020, 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.

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

(Rajesh Kumar Verma, J)

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