

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3388 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- MOHANPUR District- Gaya

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1. Baleshwar Yadav son of Sita Ram Yadav Village- Khudua, Ps- Mohanpur, Dist- Gaya
 2. Pradip Yadav Son Of Rameshwar Yadav Village- Khudua, Ps- Mohanpur, Dist- Gaya
 3. Sita Ram Yadav @ Sita Yadav Son Of Late Deo Chand Yadav Village- Khudua, Ps- Mohanpur, Dist- Gaya
 4. Muksh Kumar @ Mukesh Yadav Son Of Vijay Yadav Village- Khudua, Ps- Mohanpur, Dist- Gaya
 5. Gore Lal Yadav Son Of Basu Deo Yadav Village- Khudua, Ps- Mohanpur, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Paswan Son of Jagdish Paswan Village- Khudua, Ps- Mohanpur, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tilak Sao, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-08-2025 Heard Mr. Tilak Sao, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. for the State.

2. Learned counsel for the appellant submits that during the pendency of this appeal, appellant no. 3, namely, Sita Ram Yadav @ Sita Yadav has been arrested. So, the present appeal with respect to appellant no. 3 has become infructuous. Hence, he seeks permission to withdraw this appeal with respect to appellant no. 3.



3. Permission is accorded.

4. Accordingly, the present appeal stands dismissed as withdrawn with respect to appellant no. 3.

5. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 24.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 164 of 2024 in connection with Mohanpur P.S. Case No. 31 of 2024, F.I.R. dated 11.04.2024 registered under Sections 341,323, 324, 308, 354, 427, 447, 448/34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w), 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

6. According to the prosecution case, all accused persons are said to have assaulted the informant and abused him by taking his caste name.

7. Learned counsel for the appellants submits that the appellants 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 itself that occurrence has taken place in the house of the informant so, no case is made out against the appellants under SC/ST Act and



there is no specific allegation of any assault or overt act against the appellants rather there is general and omnibus allegation against all accused persons including the appellant. It appears from FIR itself that date of occurrence as alleged in the FIR is 10.04.2024 but the present FIR has been instituted on 11.04.2024 i.e. after delay of one day.

8. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R and they carry one more case other than the present one but fairly submits on the basis of paragraph 3 of the bail application that they are on bail in the pending matter.

9. 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.

10. Considering the aforesaid facts and circumstances, the occurrence took place in the house of the informant, so, no case is made out against the appellants under SC/ST Act and there is no specific allegation of any assault or overt act against the appellants rather there is general and omnibus allegation against all accused persons including the appellant, let the appellant nos. 1, 2, 4 and 5, 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) each with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 164 of 2024 in connection with Mohanpur P.S. Case No. 31 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.

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

(Rajesh Kumar Verma, J)

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