

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3515 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- PANCHRUKHI District- Siwan

Sujit Kumar Yadav Son of Om Prakash Yadav @ Pradeshi R/V- VILLAGE-
LAHEJI, P.S.- M.H NAGAR, DISTT.- SIWAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. VIKESH KUMAR PRASAD SON OF LATE KRISHNATH PRASAD R/V-
VILLAGE- LAHEJI MATHIYA, P.S.- M.H NAGAR(HASANPURA),
DISTT.- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Tiwary
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Udit Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 12-11-2025 Heard the parties.

2. This criminal appeal has been filed against the order dated 29.06.2024 passed by learned Additional Sessions Judge-1st-cum-Special Judge (SC & ST) Act, Siwan in ABP No. 1347 of 2023 in connection with Pachrukhi (M H Nagar) P.S. Case No. 136 of 2023, instituted under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(a)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per F.I.R., on 28.05.2023 at 9 PM, when informant along with his younger brother was returning after



attending Tilak ceremony, 6 named accused persons, including these appellant, abused informant by caste name and thereafter, assaulted him on his head with lathi and looted some articles from him.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. F.I.R. has been lodged after inordinate delay of three days which itself raises doubt over veracity of the prosecution case. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these appellant. Injuries sustained by the injured are simple in nature. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against these appellants. Rest of the allegations are ornamental only to make the case grave. Appellant claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation and injury, let the appellant, as named above, in the event of his arrest/surrender within a period of four weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge (SC & ST) Act, Siwan in connection with Pachrukhi (M H Nagar) P.S. Case No. 136 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 29.06.2024 is set aside with respect to these appellant only.

(Sandeep Kumar, J)

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