

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3633 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- SISWAN District- Siwan

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1. Satish Yadav S/o Ram Pravesh Yadav R/o vill - Gyaspur Lewari, P.S. - Siswan, Distt. - Siwan
 2. Vicky Kumar Yadav S/o Jaishankar Yadav R/o vill - Gyaspur Lewari, P.S. - Siswan, Distt. - Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lallan Gond S/o Late Raghunath Gond R/o vill- Gyaspur Lewadi, P.S. - Siswan, Distt. - Siwan
3. Bittu Kumar S/o Late Lallan Gond R/o vill - Gyaspur Lewadi, P.S. - Siswan, Distt. - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anand Kishore Choudhary
For the Respondent/s	:	Mr. Usha Kumari 1
For the O.P. No. 2	:	Mr. Raghav Prasad
		Mr. Chandra Shekhar
		Mrs. Urmila Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-02-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as learned Special Public Prosecutor 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 in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 04.07.2024 passed by the learned 1st Additional Sessions Judge Cum- Special Judge, SC/ST Act, Siwan in connection with



Siswan P.S. Case No. 220/2023 dated 09.08.2023 registered for the offence/s punishable u/ss 447, 341, 323, 324, 325, 302, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, when the informant was returning from the market after purchasing vegetables on 05.08.2023 at that time Pankaj Kumar Yadav and Prem Kumar Yadav parked their tractor on the road due to which people were facing problem while crossing the road. So, the informant told the accused persons to vacate the road so that at least a motorcycle can cross. Thereafter, the co-accused persons started abusing the informant by calling caste name. Then Birendra Yadav, Rakesh Kumar Yadav, Vicky Kumar Yadav, Satish Yadav, Vikash Yadav came holding rod, lathi, danda in their hand and started abusing him by calling caste name. In the meantime, the co-accused Pankaj Kumar Yadav assaulted the informant with iron rod, causing a head injury, thereafter, Prem Kumar Yadav assaulted the informant with lathi. When the informant's son came to rescue, the co-accused Birendra Yadav assaulted him with iron rod, causing injury and co-accused Rakesh Yadav assaulted him with lathi. When Bittu Kumar came to rescue, the petitioner no. 1 Satish Yadav assaulted him



with iron rod, causing injury on his finger and the co-accused Vikash Kumar Yadav assaulted with lathi.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the petitioners. The specific allegation of assault is against the co-accused Pankaj Kumar. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case under the SC/ST Act is made out against the appellants. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 24.06.2024.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 04.07.2024 passed by the learned 1st Additional Sessions Judge Cum- Special Judge, SC/ST Act, Siwan in connection with Siswan P.S. Case No. 220/2023 is set aside against the



appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge Cum- Special Judge, SC/ST Act, Siwan in connection with Siswan P.S. Case No. 220/2023.

(Chandra Prakash Singh, J)

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