

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3614 of 2024

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

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Pankaj Kumar Yadav, aged about 23 years (Male), S/O Birendra Yadav @
Medhu Yadav, R/O Village- Gyaspur Lewari, P.S- Siswan, Distt.- Siwan.

... .. Appellant

Versus

1. The State of Bihar
2. Lalaln Gond, age-62 years, Male, S/O Late Raghu Nath Gond, R/O Village-
Gyaspur Lewadi, P.S- Siwan, Distt.- Siwan.
3. Bittu Kumar, S/o Late Lallan Gond, R/o Village- Gyaspur Lewadi, P.S.-
Siswan, Dist.- Siwan

... .. Respondents

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Appearance :

For the Appellant	:	Mr. D.K. Sinha, Sr. Advocate, Mr. Ram Chandra Sahni, Advocate and Mr. Anand Kishore Choudhary, Advocate
For the Respondent No. 3:		M/S. Raghav Prasad, Urmila Kumari and Chandra Shekhar, Advocates
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 08-05-2025 Heard learned counsel for the appellant, learned

counsel for the respondent no. 3 and 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 Ist Additional Sessions



Judge-cum-Special Judge, Siwan, in connection with Siswan P.S. Case No. 220 of 2023 dated 09.08.2023 registered for the offences punishable under Sections 447, 341, 323, 324, 325, 504, 506 read with Section 34 of the I.P.C., later on Section 302 of the I.P.C. was also added and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act, whereby the learned court below has been pleased to reject the prayer for bail of the appellant.

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 (appellant) and the co-accused Prem Kumar Yadav parked their tractor on the road, due to which, people were facing problem while crossing the road. When the informant told the accused persons to vacate the road so that at least a motorcycle can cross. On which, both the aforesaid co-accused persons started abusing the informant by calling his caste name. The informant anyhow came to his house, then the co-accused Birendra Yadav @ Meghu Yadav, Rakesh Kumar, Vicky Kumar Yadav, Satish Yadav and Vikash Yadav came holding rod, lathi and farsa in their hand and started abusing him by calling caste name. In the meantime, Pankaj Kumar (appellant) assaulted the informant with an iron rod, causing head injury, thereafter, Prem Kumar Yadav assaulted the



informant with lathi. When the informant's son, Pintu Kumar came to rescue him, Birendra Yadav @ Medhu Yadav assaulted him with an iron rod on his head causing injury and Rakesh Kumar Yadav assaulted him with lathi. When his second son Bittu Kumar came to rescue, the co-accused, Satish Yadav assaulted him with iron rod, causing injury on his left finger and the co-accused Vikash Kumar Yadav assaulted with lathi.

4. Learned senior counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. It is further submitted that as a matter of fact, the appellant does not park tractor on the road and she-buffalo was not sitting on the road. The appellant has never abused by calling the caste name of the informant. It is further submitted that the informant Lalan Gond (now deceased) was medically examined on 02.09.2023 by Dr. Yashin Ansari and nature of injury was found to be simple. It is further submitted that the informant died on 29.08.2023 after 24 days from the date of occurrence during the course of treatment. It is further submitted that initially the informant was medically examined on 05.08.2023 by Dr. Yashin Ansari and the injury was found simple in nature but the informant died after 24 days during the course of treatment, hence, it creates serious doubt



that the informant died due to the said injury which was occurred due to assault made by the accused persons. It is further submitted that the co-accused Prem Kumar Yadav had filed Siswan P.S. Case No. 219 of 2023 for the offences punishable under Sections 341, 323, 324, 504, 379 read with Section 34 of the I.P.C. against the informant and his family members. It is further submitted that the other co-accused persons, namely, Birendra Yadav @ Medhu Yadav @ Bijendra Yadav and Rakesh Kumar @ Rakesh Yadav have already been granted anticipatory bail by a Bench of this Court in Cr. Appeal (SJ) No. 5634 of 2023 vide order dated 03.04.2025 and the other co-accused persons, namely, Satish Yadav and Vicky Kumar Yadav have also been granted regular bail by a Bench of this Court in Cr. Appeal (SJ) No. 3633 of 2024 vide order dated 06.02.2025. The appellant has clean antecedent as stated at para 3 of the present memo of appeal. The appellant is in custody since 24.06.2024.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail of the appellant. Learned counsel for the respondent no. 2 has further submitted that there is specific allegation against the appellant that he assaulted with an iron rod on the head of the



deceased, due to which, he died. It is further submitted that from perusal of the postmortem report, it appears that the doctor has opined the cause of death due to head injury (Intracranial Haemorrhage, due to hard and blunt object.

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 respondent no. 2, this Court is not inclined to set aside the order dated 04.07.2024, passed by the learned Ist Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siswan P.S. Case No. 220 of 2023 and the prayer for bail of the appellant is rejected.

7. Accordingly, the present criminal appeal stands rejected.

8. The learned court below is directed to expedite the trial of the appellant and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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