

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4466 of 2023**

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

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1. Pawan Yadav @ Pawan Prasad Son Of Ambika Prasad Yadav Resident Of Village - Ganga Bigha, P.S. - Rajauli, District - Nawada
  2. Sudhir Yadav @ Sudhir Badhav Yadav Son Of Barho Yadav Resident Of Village - Babhnaur, P.S. - Narhat, District - Nawada

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ritik Kumar Son Of Upendra Rajvanshi Resident Of Village - Barhat, P.O. - Bans Gopal, P.S. - Rajauli, District - Nawada

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Satyapal Singh, Adv.  
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

5      30-10-2025                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 03.07.2023 passed by the learned Addl. District & Sessions Judge Vith-cum-Special Judge, POCSO, Nawada in A.B.P. No. 1359/2023 arising out of Rajauli P.S. Case No. 137/2023 dated 03.03.2023 registered for the offences punishable u/ss 143, 147, 149, 341, 323, 354A, 354B, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s)/3(2)(v) of the SC/ST Act.

3. As per the prosecution case, when the three girls of



the informant side went to attend call of nature, the appellants and the co-accused persons along with 30 unknown persons tried to outrage their modesty and pulled their *duppatta* forcibly and abused them by taking their caste name. When the family members of the informant went to rescue, they started firing due to that Sonu Rajbansi and Shibu Ram sustained injuries.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. 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 is made out under SC/ST Act. The co-accused person has already been granted bail by this court *vide* order dated 04.12.2024 passed in Cr. Appeal (SJ) No. 4481/2023. There is general and omnibus allegation against the appellants. The appellants have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 03.07.2023 passed by the learned Addl. District & Sessions Judge Vith-cum-Special Judge, POCSO, Nawada in A.B.P. No. 1359/2023 arising out of Rajauli



P.S. Case No. 137/2023, is set aside against the appellants. The criminal appeal is allowed.

6. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge Vith-cum-Special Judge, POCSO, Nawada in A.B.P. No. 1359/2023 arising out of Rajauli P.S. Case No. 137/2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

*(i) The appellants are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.*

**(Chandra Prakash Singh, J)**

Gautam/-

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