

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4469 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- DHANGAI District- Gaya

Shiboo Yadav @ Shibu Yadav @ Shiba Yadav Son of Late Komal Yadav
Resident of Village- Rewada, P.S.- Dhangai, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushal Kumar Son of Sanjay Paswan Resident of Village- Rewada, P.S.-
Dhangai, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aryan Singh

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 05-03-2025 **1.** Heard learned counsel for the appellant and learned
Spl. P.P. 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 referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 9-8-2024 passed by the learned Exclusive Special Judge,
S.C./S.T. (POA) Act, Gaya in connection with Dhangai P.S.
Case No. 22 of 2024 registered for the offences punishable
under Sections 147, 148, 149, 325, 307, 504, 506 of the Indian
Penal Code, Section 27 of the Arms Act as well as Sections 3(1)
(r), 3(1)(s), 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that the



appellant is a person with clean antecedent and is in custody since 29-5-2024 and the informant alleges that he along with his family members, namely, Sukhwindar, Satyendra and Vikash had gone to attend *Sharadh* ceremony at the house of Ramvilash Manjhi on 7-2-2024 at 7 PM, further at 7:30 PM, when the informant was returning to the venue after attending the call of nature, when he was intercepted by Sanjay, Kalu, Pawan, Magan, Shiv Nandan and Dinesh, the accused persons started abusing him and assaulted him by rod, lathi, sword etc. causing injury on his head and even his left leg fractured, when Sukhwinder came to save him, accused Umesh, Tarkeshwar, Shiboo (appellant), Mantu, Munna, Dinesh, Bimal, Geeta and Rukhi Devi, came armed with iron rod, thereafter Dinesh and Mantu fired in the air, further Sanjay, Umesh, Shiboo, Munna, Shiv Nandan, Bimal, Geeta and Rukhi, carrying weapons as alleged in the FIR, assaulted Sukhwinder, Satyendra and Vikash causing injury on head of Satyendra and Sukhwinder; and Vikash suffered internal injury, thereafter police were informed and injured were taken to the hospital.

4. The learned counsel appearing on behalf of the appellant submits that the appellant has been falsely implicated in the instant case. It is next submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that the allegation of assault is general and omnibus in nature. It is next submitted that Dhangai PS Case No. 24 of 2024 was instituted from the side of the appellant against the informant and his side, further the date of occurrence is 7-2-2024 and *fardbayan* was recorded on 16-2-2024 in the hospital. It is next submitted that it is not possible to allege with certainty that who was carrying what weapon and who assaulted whom.

5. Learned Spl. P.P. for the State opposes the prayer for bail of the appellant.

6. Regard being had to the aforesaid submissions, the order dated 9-8-2024 is set-aside.

7. The appeal stands allowed.

8. The appellant, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dhangai P.S. Case No. 22 of 2024

(Satyavrat Verma, J)

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