

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4695 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- MARAUNA District- Supaul

- 1. Ramdas Yadav Son of Late Raghuni Yadav Resident of Village- Kamrail, Bhagwati Tola, P.S.- Marauna, Distt.- Supaul
- 2. Shambhu Yadav Son of Ramdas Yadav Resident of Village- Kamrail, Bhagwati Tola, P.S.- Marauna, Distt.- Supaul
- 3. Ratan Yadav Son of Ramdas Yadav Resident of Village- Kamrail, Bhagwati Tola, P.S.- Marauna, Distt.- Supaul

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Ugranarayn Chaupal Son of Ramdev Chaupal Resident of Village- Bhagwait, P.S.- Marauna, Distt.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Ms. Eashita Raj, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP
For the informant : Mr. Hriday Narayan, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-03-2025 Heard Mr. Yogesh Chandra Verma, learned Senior

Counsel for the appellants duly assisted by Ms. Eashita Raj, Mr.

Hriday Narayan Harshit for the informant and Ms. Usha Kumari

1, learned Spl. P.P.

2. The present appeal has been preferred under section
14-A(2) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 for setting aside the order
dated 03.07.2024 passed by learned Additional Sessions Judge |
-cum- Special Judge (SC/ST), Supaul in RB (SC/ST)-47 of 2024



in connection with SC/ST Case No. 54 of 2024 arising out of Marauna P.S. Case No. 48 of 2024 instituted for offence under sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the SC/ST Act lodged on 16.05.2024 by the informant, Ugranarayan Choupal.

3. As per the prosecution story, due to the construction of Indira Awas on the land allotted by the Government, the accused persons armed variously came and assaulted the informant's side in which Vasudeo Chaupal died, Ramdev Chaupal was referred to DMCH, Dharbhanga and thereafter to the PMCH, Patna. There is allegation of injuring the other persons also.

4. Learned Senior Counsel for the appellants submit that a bare perusal of the FIR would show that omnibus allegation is against twenty persons including the three appellants. His submission is that though an unfortunate death has taken place, the fact remains and a perusal of the FIR would show that the entire family members have been roped in which include the three present appellants. While the appellant no. 1 is a 76 years old persons, the other two appellants are sons of the appellant no. 1. He further submits that in the case diary though



one of the witness has bettered the prosecution story by making specific allegation against appellant no. 1, the same is not supported by other witnesses. The last submission is that the female inmates/accused have been granted bail in Cr. Appeal (SJ) No. 3501 of 2024 vide an order dated 29.10.2024.

5. Learned counsel for the informant has taken this Court to the paragraph 8, 10 and 11 of the case diary to show that the ladies of the informant's side have made specific allegation against the appellant no. 1 Ramdas Yadav. He submits that so far as appellant no. 1 is concerned, his case is different from the other two appellants.

6. Learned Senior Counsel, at this stage, submits that a perusal of other witnesses in the case diary would show that the omnibus allegation that has come in the FIR has been continued but only to subsequently implicate appellant no. 1, the witnesses made such allegation. They are in custody since 16.06.2024 (paragraph 14 of the appeal) though he concede that they have multiple criminal antecedents.

7. Learned APP, Mrs. Usha Kumari 1 also opposes the prayer submitting that a death has taken place.

8. Having heard the parties and a perusal of the last order dated 29.10.2024, it appears that on that occasion also,



this Court had observed that it is unfortunate that even for the construction of the house allotted under Indira Awas Scheme by the Government, the dispute takes place which has resulted into unfortunate death of one of the informant's side.

9. However, now charge-sheet stands submitted, though they have criminal antecedents, an undertaking has been given that they will be diligently appearing in trial, omnibus allegation is against all the accused persons in the FIR which include the three appellants, two of the female inmates have been granted bail, as recorded above, in that background, this Court is inclined to extend them the privilege of bail with conditions.

9. Let the appellant/accused above named is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I -cum- Special Judge (SC/ST), Supaul in Connection with SC/ST Case No. 54 of 2024 arising out of Marauna P.S. Case No. 48 of 2024, during the pendency of appeal.

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;



(ii) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

