

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4943 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- DOBHI District- Gaya

1. Suresh Yadav Son of Late Devaki Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
2. Ramkesar Yadav @ Ramkeshwar Yadav Son of Late Devki Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
3. Kishun Yadav Son of Late Devaki Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
4. Krishna Yadav Son of Raj Kumar Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
5. Santosh Yadav @ Santosh Kumar Yadav Son of Janki Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
6. Satendra Yadav @ Satendra Kumar Son of Kishun Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
7. Jitendra Yadav @ Jitendra Kumar Son of Kishun Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
8. Upendra Yadav Son of Kishun Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
9. Vikash Yadav @ Vikash Kumar Son of Ramkeshwar Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
10. Dimpu Yadav @ Premanand Priya Son of Chandra Deo Yadav @ Chandeshwar Yadav Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)
11. Devnandan Yadav Son of Girdhari Yadav Resident of Village - Karan Bigha, Police Station - Barachatti, District - Gaya (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanchan Devi Wife of Amit Chaudhary Resident of Village - Piparghatti, Police Station - Dobhi, District - Gaya (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-11-2025 Heard Mr. Arvind Kumar, learned counsel for the

 appellants, Mr. Abhinav Ashok representing the respondent no.



2 as also the State.

2. This appeal has been filed for setting aside the order dated 01.10.2024 passed by learned Exclusive Special Judge SC/ST (POA) Act, Gaya in connection with Dobhi P.S. Case No. 162/2024 registered for the offence punishable under sections 126(2), 115, 118(1), 117(2), 303(2), 353, 351(2) and 3(5) of the B.N.S. and sections 3(i) (r) (s) of the SC/ST Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that while they were tilling their land, all the accused persons armed variously came and allegation is that appellant no. 1, Suresh Yadav, appellant no. 2, Ramkesar Yadav and appellant no. 3, Kishun Yadav brutally assaulted the brother in law (Jeth) namely, Jamuna Chaudhary and Ishwar Chaudhary. When others came to rescue, allegation is that Upendra Kumar, Satendra Yadav, Santosh Yadav, Pawan Kumar, Deva Yadav and Ors. also assaulted. Further allegation is against other accused persons of continuing the assault taking caste name. They were shifted to hospital whereafter the FIR.

4. Learned counsel for the appellants submit that there is case and counter-case, the matter relates to land dispute, there



is nothing on record to show that the occurrence has been made in public view, omnibus allegation of assault is against them and the appellants do not have any criminal antecedent.

5. Learned counsel for the respondent no. 2 on the other hand submits that a perusal of the case diary would show that not only the injury of Jamuna Choudhary has been found to be grievous in nature but also the assault have been attributed to Suresh Yadav, Ramkesar Yadav and Kishun Yadav, it further records that all three have criminal antecedent inasmuch as they are accused in connection with Sherghati Dobhi P.S. Case No. 113 of 1996 under section 302/307,324, 364 and 34 of the IPC and section 27 of the Arms Act, a fact which has not been incorporated in paragraph-3 of the petition.

6. Considering the submission of the parties as also the allegation that has come against the three appellants namely appellant no. 1, Suresh Yadav, appellant no. 2, Ramkesar Yadav and appellant no. 3, Kishun Yadav and on the ground of concealment of fact, their prayer stands rejected.

7. So far as the appellant no. 4, 5, 6, 7, 8, 9 and 10 namely, Krishna Yadav, Santosh Yadav, Satendra Yadav, Jitendra Yadav, Upendra Yadav, Vikash Yadav and Dimpu Yadav respectively are concerned, though allegation is there against



them, *prima facie*, the Act is not attracted, they do not have any criminal antecedent, omnibus allegation is there and they have not assaulted Jamuna Chaudhary, in that background, this Court is inclined to extend them privilege of anticipatory bail.

8. The impugned order dated 01.10.2024 passed by learned Exclusive Special Judge SC/ST (POA) Act, Gaya in connection with Dobhi P.S. Case No. 162/2024 stands set aside (except appellant no. 1, Suresh Yadav, appellant no. 2, Ramkesar Yadav and appellant no. 3, Kishun Yadav) and the appeal partly stands allowed.

9. Let the appellant no. 4, 5, 6, 7, 8, 9 and 10 namely, Krishna Yadav, Santosh Yadav, Satendra Yadav, Jitendra Yadav, Upendra Yadav, Vikash Yadav and Dimpu Yadav respectively in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST (POA) Act, Gaya in connection with Dobhi P.S. Case No. 162/2024 with following conditions:

(i) one of the bailor should be the family member/relative of the appellant no. 4, 5, 6, 7, 8, 9 and 10



namely, Krishna Yadav, Santosh Yadav, Satendra Yadav, Jitendra Yadav, Upendra Yadav, Vikash Yadav and Dimpu Yadav respectively who shall provide official document to show his/her bona fide;

(ii) the appellant no. 4, 5, 6, 7, 8, 9 and 10 namely, Krishna Yadav, Santosh Yadav, Satendra Yadav, Jitendra Yadav, Upendra Yadav, Vikash Yadav and Dimpu Yadav respectively shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellant no. 4, 5, 6, 7, 8, 9 and 10 namely, Krishna Yadav, Santosh Yadav, Satendra Yadav, Jitendra Yadav, Upendra Yadav, Vikash Yadav and Dimpu Yadav respectively shall appear before the concerned police station every fortnight for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the appellant no. 4, 5, 6, 7, 8, 9 and 10 namely, Krishna Yadav, Santosh Yadav, Satendra Yadav, Jitendra Yadav, Upendra Yadav, Vikash Yadav and Dimpu Yadav respectively



shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellant no. 4, 5, 6, 7, 8, 9 and 10 namely, Krishna Yadav, Santosh Yadav, Satendra Yadav, Jitendra Yadav, Upendra Yadav, Vikash Yadav and Dimpu Yadav respectively 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)

Adnan/-

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