

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5299 of 2023

Arising Out of PS. Case No.-50 Year-2020 Thana- GURARU District- Gaya

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1. UMESH YADAV @ UMESH KUMAR SON OF LATE SUKHADEO YADAV RESIDENT OF VILLAGE AND POST- KONCHI, P.S.- GURARU, DISTRICT- GAYA.
 2. VIKRAM KUMAR @ VIKRANT KUMAR SON OF LATE BIGAN YADV RESIDENT OF VILLAGE AND POST- KONCHI, P.S.- GURARU, DISTRICT- GAYA.
 3. JAY PRAKASH YADAV @ SATPRAKASH KUMAR @ JAY PRAKASH KUMAR SON OF UMESH YADAV RESIDENT OF VILLAGE AND POST- KONCHI, P.S.- GURARU, DISTRICT- GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. MANU DEVI WIFE OF SRI KRISHNA CHAUDHARY RESIDENT OF VILLAGE- KONCHI, P.S.- GURARU, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Piyush Saurav, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Piyush Saurav, learned counsel for the appellants, learned counsel for the Respondent No.2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 11.10.2023 passed by the learned Exclusive special Judge, SC/ST Special Court, Gaya in connection with Guraru P.S. Case No. 50 of 2020, F.I.R. dated 04.05.2020 registered under Sections 341, 323, 504/ 34 of the Indian Penal Code and



Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when he was plucking Palm Tree Wine (Taadi) from a Palm tree, the appellants came and asked to give Taadi to them. On refusal, the appellants abused and assaulted the informant.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellants have not committed any offence as alleged in the FIR. He further submits that on 17.08.2020 the police has submitted charge sheet against the appellants under Section 341, 342, 323, 504 and 34 of the Indian Penal Code and under Section 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Schedules Tribe (Prevention of Atrocities) Act, 1989. On 13.12.2022/27.07.2022, the learned Exclusive Special Judge, SC/ST Special Court, Gaya has been pleased to take cognizance under the same sections as that of chargesheet against the appellants.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2, on the other hand,



have vehemently opposed the prayer for anticipatory bail of the appellants and submits that in view of the fact that cognizance has been taken by the learned Court below, the appellants are not entitled for grant of anticipatory bail. He further submits that appellant no.1 carries one more case other than the present one and in which he is on bail and appellant no.2 and 3 have clean antecedent. He relied upon the judgment in the case of **(Bachu Das vs. State of Bihar & Ors.)** reported in **(2014) 03 SCC 471.**

6. Considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the appellants in connection with Guraru P.S. Case No. 50 of 2020 pending in the Court of learned Exclusive special Judge, SC/ST Special Court, Gaya.

7. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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