

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5634 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- SISWAN District- Siwan

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1. Birendra Yadav @ Medhu Yadav @ Bijendra Yadav S/O Ram Pravesh Yadav R/O Village- Gyaspur Lewari, P.S- Siswan, Distt.- Siwan.
 2. Rakesh Kumar @ Rakesh Yadav S/O Nandjee Yadav R/O Village- Gyaspur Lewari, P.S- Siswan, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lallan Gond S/O Late Raghunath Gond R/O Village- Gyaspur Lewari, P.S- Siswan, Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Ramchandra Sahni, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Sp.P.P
For the Respondent No. 2	:	Mr. Raghav Prasad, Advocate Mr. Chandrashekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-04-2025 Heard learned counsel for the appellants and learned counsel for the informant as well as 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 09.10.2023 passed by the learned 1st, Additional Sessions Judge cum Special Judge, Siwan in connection with A.B.P No. 2257/2023 arising out of Siswan P.S. Case No. 220/2023 dated 09.08.2023 registered for the offence/s



punishable u/s 447, 341, 323, 324, 325, 302, 504 and 506 read with section 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, when the informant was returning from the market after purchasing vegetables on 05.08.2023 at that time Pankaj Kumar Yadav and Prem Kumar Yadav parked their tractor on the road due to which people were facing problem while crossing the road. So, the informant told the accused persons to vacate the road so that at least a motorcycle can cross. Thereafter, the co-accused persons started abusing the informant by calling caste name. Then Birendra Yadav, Rakesh Kumar Yadav, Vicky Kumar Yadav, Satish Yadav, Vikash Yadav came holding rod, lathi, danda in their hand and started abusing him by calling caste name. In the meantime, the co-accused Pankaj Kumar Yadav assaulted the informant with iron rod, causing a head injury, thereafter, Prem Kumar Yadav assaulted the informant with lathi. When the informant's son came to rescue, the appellant no. 1 assaulted him with iron rod, causing injury and the appellant no. 2 assaulted him with lathi. When Bittu Kumar came to rescue, the co-accused, Satish Yadav assaulted him with iron rod, causing injury on his finger and the co-accused Vikash Kumar Yadav



assaulted with lathi.

4. Learned counsel for the appellants has submitted that the appellant 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. The specific allegation of assault is against the co-accused, Pankaj Kumar. 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 other co-accused persons have already been granted bail by this court *vide* order dated 06.02.2025 passed in Cr. Appeal (S.J). 3633/2024. The appellants have no criminal antecedents as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants by submitting that the informant died on 29.08.2023 after 24 days from the date of occurrence.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 09.10.2023 passed by the learned 1st, Additional Sessions Judge cum Special Judge, Siwan in connection with A.B.P No. 2257/2023 arising out of Siswan



P.S. Case No. 220/2023, is set aside against the appellants. The criminal appeal is allowed.

7. 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-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st, Additional Sessions Judge cum Special Judge, Siwan in connection with A.B.P No. 2257/2023 arising out of Siswan P.S. Case No. 220/2023, 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)

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