

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5543 of 2024

Arising Out of PS. Case No.-572 Year-2024 Thana- FATUA District- Patna

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1. Tuntun Yadav Son of Kamaldeo Yadav Resident of Villages- Ranipur, P.O and P.S.- Fatuha, District- Patna
 2. Kamaldeo Yadav Son of Late Ram Sahak Yadav Resident of Villages- Ranipur, P.O and P.S.- Fatuha, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kabita Devi Wife of Lalbahadur Paswan Resident of Villages- Ranipur, P.S.- Fatuha, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 28-01-2025 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order dated 28.10.2024, passed by learned Special Judge, SC/ST, Patna, in A.B.P. No. 4421 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Fatuha Police Station Case No. 572 of 2024 registered for the offences punishable under Sections 126(2) and other allied sections of the B.N.S.S. Act, Sections 3(i)(r)(s), 3(2)(v) of the Scheduled



Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 22.08.2024 at about 6 pm, the husband of the informant was working in construction of village temple. In the meantime, all accused persons including the appellants came having arms in their hands started abusing informant's husband by taking caste name. It is alleged that accused Bhola Yadav fired at the informant's husband and subsequently, he died at the Primary Health Centre.

4. Learned Counsel appearing on behalf of the appellants submits that no overt act has been alleged against the appellants and the allegation of firing on informant's husband is specifically on co-accused Bhola Yadav. He further submits that false and concocted allegation has been levelled against the appellants due to village politics.

5. Having regard to the nature of allegation and the fact that appellants are specifically named in the F.I.R., they all surrounded informant's husband and one of the accused fired upon him, due to which, he died, I am not inclined to grant anticipatory bail to the appellants.

6. Accordingly, this appeal is rejected and the order



order dated 28.10.2024, passed by learned Special Judge,
SC/ST, Patna, in A.B.P. No. 4421 of 2024, is hereby affirmed.

(Anil Kumar Sinha, J)

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