

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.132 of 2024

Arising Out of PS. Case No.-786 Year-2023 Thana- BODHGAYA District- Gaya

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1. SIYARAM YADAV S/O NATHUN YADAV R/O VILLAGE- LARPUR, P.S- BODHGAYA, DIST.- GAYA BUT IN THE FIR THE ADDRESS HAS WRONGLY BEEN GIVEN AS THEY ARE RESIDENT OF VILLAGE- UTLI BARA, P.S- TANKUPPA, DISTT.- GAYA.
 2. DHARMENDRA YADAV S/O LATE JIYA YADAV R/O VILLAGE- LARPUR, P.S- BODHGAYA, DIST.- GAYA BUT IN THE FIR THE ADDRESS HAS WRONGLY BEEN GIVEN AS THEY ARE RESIDENT OF VILLAGE- UTLI BARA, P.S- TANKUPPA, DISTT.- GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. UTTAM PASWAN S/O BALKESHWAR PASWAN R/O VILLAGE- LARPUR, P.S- BODHGAYA, DISTT.- DISTT.- GAYA.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Manisha Prakash, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025 Heard Ms. Manisha Prakash, learned counsel for the appellants as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent No.2, no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 09.11.2023 passed by the learned Court of Exclusive Special Judge, SC/ST Special Court, Gaya in A.B.P. No-382/2023 in connection with Bodhgaya P.S. Case No. 786 of 2023, F.I.R.



dated 09.10.2023 registered under Sections 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 04.10.2023 when he was coming to his village, on the way the appellants along with other accused persons having daggger, katta, lathi, knife, assaulted the informant and also snatched his mobile and golden chain worth of Rs.25,000.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. From bare perusal of the FIR it appears that the alleged occurrence took place on 28.09.2023 and the informant has recorded his statement on 04.10.2023 and the present FIR instituted on 09.10.2023 which suggest that the present FIR instituted after delay of 12 days without giving any explanation of delay and before filing of the present FIR co-accused, namely, Rang Singh Yadav has already lodged a case bearing Bodhgaya P.S. Case No. 772 of 2023 which suggest that the present case is retaliation of Bodhgaya P.S. Case No. 772 of 2023 and there is no specific allegation of any assault or overt act against the appellants rather specific allegation of assault is



against co-accused, namely, Rang Singh Yadav and the allegation levelled against these appellants are general and omnibus.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances, appellants have clean antecedent and there is no specific allegation of assault or overt act against them and the present FIR was instituted after delay of 12 days, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Special Court, Gaya in connection with Bodhgaya P.S. Case No. 786 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-



i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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