

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.140 of 2024

Arising Out of PS. Case No.-629 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

- 1 . RAMDHANI YADAV @ RAMDHARI YADAV son of Late Babulal Yadav Village- Bairi Ps- Mohania Dist- Kaimur
2. Pramod Yadav @ Engineer Yadav son of Late Rajnarayan Yadav Village- Bairi Ps- Mohania Dist- Kaimur
- 3 . Akhilesh @ Vikku Yadav @ Akhilesh Kumar son of Pramod Yadav @ Engineer Yadav Village- Bairi Ps- Mohania Dist- Kaimur
4. Amrendra Yadav @ Amrendra Kumar son of Late Ramakant Yadav Village- Bairi Ps- Mohania Dist- Kaimur
- 5 . Nagendra Yadav @ Nagendra Kumar son of Late Ramakant Yadav Village- Bairi Ps- Mohania Dist- Kaimur

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Tinku Kumar son of Ramlal Chaudhary @ Ramakant choudhary Village- Bairi Ps- Mohania Dist- Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-01-2025 Heard learned counsel for the parties. Despite filing vakalatnama nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 13.10.2023 passed in a case registered for the offence punishable under sections 341, 323 , 354 A , 307, 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled



Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case , in brief, is that on the alleged date and time of occurrence , all the F.I.R., named accused persons including these appellants armed with lathi, danda and garasa assaulted the informant and one Gita Kumari and also abused the informant by caste name .

4. It is submitted that these appellants are innocent and committed no offence as alleged. The present case has been lodged in retaliation to Mohania P S Case No. 333 of 2023 filed by the brother of the appellant against the informant and others. F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellants.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, 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 Special Court
Shceduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, District Kaimur at Bhabhua in connection with
ABP No. 1545 of 2023 Police Station Case No. 629 of 2023 .

(Prabhat Kumar Singh, J)

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