

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.158 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- DAWATH District- Rohtas

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1. ANKIT YADAV @ ANKIT KUMAR @ GOLU S/O RAM AYODHYA SINGH R/O VILL- DAWAI, P.S- DAWATH, DISTT.- ROHTAS AT SASARAM.
 2. KANHAIYA YADAV KANHAIYA KUMAR S/O SRI BHAGWAN YADAV R/O PARMESHWAR PUR, P.S- DAWATH, DISTT.- ROHTAS AT SASARAM.
 3. MAHAVIR YADAV @ MAHAVEER KUMAR S/O PARSHURAM RAM R/O VILLAGE- SEMARI, P.S- DAWATH, DISTT.- ROHTAS AT SASARAM.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025 Heard Mr. Ashok Kumar Singh, 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
19.10.2023 passed by the learned Court of ADJ XVII-cum-
Exclusive Special Judge, SC/ST Rohtas at Sasaram in
connection with Dawath P.S. Case No. 68 of 2023, F.I.R. dated



25.05.2023 registered under Sections 341, 323, 147, 379, 325 504 of the Indian Penal Code and Sections 3 (I)(X) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 25.05.2023 when he along with other two villagers were coming, on the way the appellants along with other accused persons assaulted him with iron rod and also snatched golden chain and cash from him.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. Although specific allegation is against appellant no.1 that he assaulted the informant but there is no injury report available on record which suggest that the informant has received any injury and apart from that allegation against appellant nos. 2 and 3 is that they have snatched golden chain and cash from the informant and the same is ornamental and no such occurrence as alleged has taken place.

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 no injury report available on record which suggest that the informant has received any injury , 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 ADJ XVII-cum-Exclusive Special Judge, SC/ST Rohtas at Sasaram in connection with Dawath P.S. Case No. 68 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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