

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.955 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- DURAULI District- Siwan

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1. Bheem Yadav Son Of Ramnath Yadav Resident Of Village - Rampur, Police Station - Darauli, District - Siwan
 2. Arjun Yadav Son Of Ramnath Yadav Resident Of Village - Rampur, Police Station - Darauli, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhengar Manjhi Son Of Late Hita Manjhi Resident Of Village - Rampur, Police Station - Darauli, District - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sailendra Kumar Dwivedi, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 02-04-2026 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 09.01.2024 passed by learned 1st Additional District & Sessions Judge-cum-Special Court, Siwan in ABP No. 2844 of 2023 arising out of Darauli P.S. Case No. 132 of 2023, registered under Sections 341, 323, 324, 354, 379, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the



prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, appellant no. 1 molested and misbehaved with the daughter of informant. When informant went to confront, all the F.I.R. named accused persons, including appellant no. 2 abused him by caste name and assaulted informant and his wife.

5. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. Allegation of assault is general and omnibus. There is no allegation of any specific overt act against these appellants. It is not the case of informant that any member of public was present at the alleged place of occurrence and as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail application and submits that there is specific accusation that appellant no. 1 molested and misbehaved with the daughter of informant.

7. Considering the nature and gravity of accusation, I do not find any ground to interfere with the order of the learned court below with regard to appellant no. 1 and as such, the appeal, which has been filed for grant of anticipatory bail, is



hereby rejected with regard to appellant no. 1.

8. Considering the nature of accusation and clean antecedent, let the appellant no. 2, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Court, Siwan in ABP No. 2844 of 2023 arising out of Darauli P.S. Case No. 132 of 2023.

9. Accordingly, this criminal appeal is allowed with regard to appellant no. 2 and impugned order dated 09.1.2024 is set aside with respect to this appellant only.

10. This appeal is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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