**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL APPEAL (SJ) No.4387 of 2024**

**CNR No. BRHC010942542024**

Arising Out of PS. Case No.-266 Year-2020 Thana- SONBERSA District- Sitamarhi

==========

1. Laxmi Yadav S/o- Vinehi Rai Village- Mayurva Ps- Sonbarsa Dist- Sitamarhi
2. Mithlesh Yadav @ Mithlesh Yadav Son of Vinehi Rai Village- Mayurva Ps- Sonbarsa Dist- Sitamarhi

... ... Appellant/s

Versus

1. The State of Bihar
2. Sarswati Devi Wife of Ramshreshth Paswan Village- Sonbarsa Ps- Sonbarsa Dist- Sitamarhi

... ... Respondent/s

==========

**Appearance :**
For the Appellants : Mr. Raja Ram Rai, Advocate
For the State : Ms. Usha Kumari 1, Spl.PP
For the Informant : N o n e

==========

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**

ORAL ORDER

8 29-10-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 02.08.2024 passed in a case registered for the offence punishable under Sections 147, 148, 149, 342, 323, 307, 302 and 324 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of

WEB COPY

Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Saraswati Devi, alleged that on 26.12.2020, her son, namely Sonu Paswan and his friend, namely Suraj Kumar, were assaulted with *lathi* and rod by all the F.I.R. named accused persons and some unknown persons due to which both of them sustained grievous injuries and were taken to hospital where, they were declared dead.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Appellants are not named in the F.I.R.. Name of appellants surfaced during investigation. As a matter of fact, it is a case of mob lynching and appellants have got no concern with the alleged occurrence. During investigation, none of the witnesses have claimed to have seen these appellants committing the alleged offence. It is further submitted that there is absolutely no allegation against these appellants of abusing informant or her family members by caste name and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

WEB COPY

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 02.08.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with A.B.P. No. 30 of 2024 arising out of Sonbarsa P.S. Case No. 266 of 2020 is hereby set aside with respect to these appellants.

8. Accordingly, 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 learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sonbarsa P.S. Case No. 266 of 2020.

**(Prabhat Kumar Singh, J)**

shashank/-

| | | | |
|---|---|---|---|
| **U** | | T | |

WEB COPY