

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4163 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- SC/ST District- Nawada

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1. Akhilesh Kumar @ Aklesh Yadav @ Akhilesh Yadav S/o Vijay Yadav R/o Village- Kharhsari, PS and P.O- Kawakole, Distt- Nawada
 2. Dular Chand Kumar @ Dular Yadav S/o Vijay Yadav R/o Village- Kharhsari, PS- Kawakole, Distt- Nawada
 3. Shishupal Yadav S/o Vijay Yadav R/o Village- Kharhsari, PS- Kawakole, Distt- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Chaudhary S/o Ramchandra Chaudhary R/o Village- Golakdih, PS- Kawakole, Distt- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Sinha, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Ram Pravesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-04-2026 Heard Mr. Sanjay Kumar Sinha, learned counsel for the appellants and Mr. Ram Pravesh Kumar for the informant as also learned Spl. PP representing the State.

2. This appeal has been filed for setting aside the order dated 17.06.2025 passed by the learned Special Judge, Exclusive Special Court SC/ST (POA) Act, Nawada in connection with SC/ST P.S. Case No. 71 of 2024 registered for the offence punishable under sections 126(2), 127(2), 115(2), 351(2)(3), 352, 109, 76 and 3(4) of the B.N.S. and section 3(i) (r)(s)(w) and 3(2)(va) of the SC and ST (POA) Act, whereby the



prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that he is a labour and upon return to home, Akhilesh Yadav wanted extortion of Rs.20,000/-. As he showed his inability, later, in the evening, the appellant no.1 returned with his associates and allegation is that Akhilesh Yadav gave iron rod blow on the head causing injury to him. When the wife Gulabo Devi came to his rescue alongwith the children, Dular Yadav assaulted his wife causing fracture in the right hand, Akhilesh Yadav again gave iron rod blow to him in his left hand while Shishupal Yadav, it is alleged that he assaulted the daughter of the informant by throwing her down to the Earth. This led to the F.I.R..

4. Learned counsel for the appellants submit that for an occurrence that took place on 03.08.2024, F.I.R. was lodged a day later on 04.08.2024 and the reason has not been assigned. Further, the injury report has come in the month of September, 2024 more than one month after the occurrence which shows doubt.

5. Mr. Ram Pravesh Kumar, learned counsel for the informant on the other hand submits that both the informant and Gulabo Devi suffered grievous injury and the role has been assigned to Akhilesh Yadav and Dular Yadav respectively.



6. Considering the submissions of the parties as also the material on record and the injury report, no case for relief is made out so far as the appellant nos. 1 and 2, namely Akhilesh Kumar @ Aklesh Yadav @ Akhilesh Yadav and Dular Chand Kumar @ Dular Yadav respectively are concerned, their anticipatory bail application stands rejected.

7. So far as appellant no.3, Shishupal Yadav is concerned, taking into account that allegation of throwing the daughter on the ground has only been assigned to him, he do not have criminal antecedent, in that background, this Court is inclined to extend him relief.

8. The impugned order dated 17.06.2025 passed by the learned Special Judge, Exclusive Special Court SC/ST (POA) Act, Nawada in connection with SC/ST P.S. Case No. 71 of 2024 stands set aside and the appeal is allowed with respect to appellant no.3, Shishupal Yadav.

9. Let the appellant no.3, Shishupal Yadav, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Court SC/ST (POA)



Act, Nawada in connection with SC/ST P.S. Case No. 71 of 2024.

(i) one of the bailor should be the family member/relative of the appellant no.3, Shishupal Yadav who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the appellant no.3, Shishupal Yadav shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant no.3, Shishupal Yadav shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the appellant no.3, Shishupal Yadav shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the appellant no.3, Shishupal Yadav shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to



take steps for cancellation of the bail bonds;

(vi) the appellant no.3, Shishupal Yadav shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

10. However, if the appellant nos. 1 and 2, namely Akhilesh Kumar @ Aklesh Yadav @ Akhilesh Yadav and Dular Chand Kumar @ Dular Yadav respectively, surrender within a period of four weeks, files bail application, the court concerned shall consider the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

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