

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1765 of 2023**

Arising Out of PS. Case No.-12 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Pappu @ Pappu Yadav @ Ajit Yadav Son Of Late Mahatma Yadav Resident Of Village-Ghogha Bajar, P.S.-Ghogha, District-Bhagalpur
 2. Bacho Yadav @ Bachhu Yadav Son Of Late Mahatma Yadav Resident Of Village- Ghogha Bajar, P.S.-Ghogha, District- Bhagalpur
 3. Pratap Yadav Son Of Late Basudev Yadav Resident Of Village- Ghogha Bajar, P.S.-Ghogha, District- Bhagalpur
 4. Bablu Yadav @ Rakesh Yadav Son Of Bhakhan Yadav @ Shyam Sundar Yadav Resident Of Village- Ghogha Bajar, P.S.-Ghogha, District- Bhagalpur
 5. Santosh Yadav @ Ansu Kumar Son Of Krishna Yadav Resident Of Village- Kulkuliya, P.S.-Ghogha, District-Bhagalpur
 6. Kaila Yadav @ Lalu Yadav @ Sonu Kumar Yadav Son Of Papu Yadav Resident Of Village- Kulkuliya, P.S.-Ghogha, District- Bhagalpur
 7. Ankit Yadav @ Ankit Kumar Son Of Ashok Yadav R/O Village- Kamargunj, P.S.- Sultangunj, District- Bhagalpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mera Devi Wife Of Ramchandra Das @ Chandradev Harijan Resident Of Village- Ghogha Bajar, P.S.-Ghogha, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Swapnil Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. From perusal of the office notes, it appears that the notice issued to the respondent no. 2 has been validly served upon her but nobody appears on her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 06.01.2023 passed by learned Additional District and Sessions Judge 3rd -cum-Special Judge (SC/ST Act) Bhagalpur in connection with Complaint Case No. 12 of 2022, registered under Sections 323, 341, 325, 448, 504, 506, 34 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

4. Appellants along with other accused persons are said to have assaulted the informant and her daughter-in-law and also tore her clothes. They also abused the informant by taking caste name and snatched Rs. 10,000/- and silver chain.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that earlier a case i.e. Ghogha P.S. Case No. 709 of 2020 was lodged by Umesh Yadav who is son-in-law of Kishan Prasad Yadav against the complainant family and the present case is a counter case to such case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He submits that the cognizance has been taken against the appellants by the learned court below. He further submits that



appellants have no criminal antecedent as stated in para-3 of this appeal.

6. However, learned Spl. PP for the State opposing the prayer for bail submits that the cognizance has been taken against the appellants in this case, therefore, this appeal is not maintainable in view of the judgment of the Apex Court in the case of *Bachu Das vs. State of Bihar and others* reported in *(2014) 3 Supreme Court Cases 471*.

7. Considering the facts and circumstances of the case, this appeal is dismissed as not maintainable.

(Anjani Kumar Sharan, J)

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