

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3231 of 2021**

Arising Out of PS. Case No.-89 Year-2021 Thana- SHERGHATI District- Gaya

1. Bhogal Yadav
2. Sujeet Yadav both S/O Mr. Mohan Yadav R/O Village-Kasapi, P.S-Sherghati (dobhi), District-Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vaishnavi Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP

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

2 24-09-2021 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 03.06.2021 passed by learned Exclusive Special Judge (SC/ST) Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 89 of 2021 registered under Sections 147, 149, 153, 302 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Prosecution case is that nine accused persons including the appellants and others who are residents of village Keshapi shouted thief-thief and assaulted the cousin brother of the informant after asking his name and caste name. He was theft injured later on he was brought to hospital where he was declared dead.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellants. He submits that similarly situated co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Appeal No. 3032 of 2021 on 26.07.2021. He submits that no case under SC/ST Act is made out against the appellants. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition and they are languishing in judicial custody since 11.02.2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the fact that there is general and omnibus allegation against the appellants, the above named appellants, be enlarged on bail on furnishing bail bond of



Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 89 of 2021.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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