

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1984 of 2020

Arising Out of PS. Case No.-224 Year-2020 Thana- SHERGHATI District- Gaya

1. NAGINA DEVI W/o Sukhdeo Yadav
 2. Sunaina Devi W/o Raju Yadav
 3. Sukhdeo Yadav Son of Late Jagdish Yadav
 4. Raju Yadav Son of Sukhdeo Yadav
- All are resident of Village - Aurawadohar, Tola Kaitiya, P.S.- Dobhi,
Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Javed Jafar Khan
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 09.06.2020 passed by learned Special Judge SC/ST Court, Gaya in connection with Sherghati P.S. Case No. 224/2020 registered for the offences punishable under Sections 341/323/308/504/506/34 of the Indian Penal Code and Sections 3(1)(X)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, while the informant was



sitting at his door, appellant No. 4 (Raju Yadav) came and asked to give him a cigarette, on denial, Raju Yadav abused and assaulted the informant with Lathi. It is further alleged that appellants No. 1, 2, and 3 also came there and assaulted the informant with Lathi and Danda.

It is submitted on behalf of the appellants that specific allegation of assault and abuse is against appellant No. 4 (Raju Yadav) and so far as appellants No. 1, 2 and 3 are concerned, there is general and omnibus allegations against them. The injuries are simple in nature and the appellants have clean antecedents.

Learned Special P.P. appearing on behalf of the State vehemently opposed the bail application and submits that specific allegation of causing injury on the head of informant is against appellant No. 4 (Raju Yadav).

Considering the aforesaid facts and circumstances as well as nature of allegation, the petition with regard to Appellant No. 4 (Raju Yadav) is rejected and impugned order is confirmed and so far as Appellants No. 1, 2 and 3, are concerned, the same is allowed and impugned order dated 09.06.2020 passed by learned Special Judge SC/ST Court, Gaya in connection with Sherghati P.S. Case No. 224/2020 is set aside with respect to



them.

Accordingly, let the appellants No. 1, 2 and 3, above named, in the event of arrest or 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 Special Judge SC/ST Court, Gaya in connection with Sherghati P.S. Case No. 224/2020.

(Prabhat Kumar Singh, J)

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