

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.488 of 2022**

Arising Out of PS. Case No.-457 Year-2019 Thana- GAYA MUFASIL District- Gaya

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1. ARVIND YADAV S/O BILASH YADAV R/o village- Chhotki Nima, P.S.-  
Moffassil, District- Gaya
  2. Mukhiya Yadav S/o Sanjay Yadav R/o village- Chhotki Nima, P.S.-  
Moffassil, District- Gaya
  3. Sanjay Yadav S/o Ram Prit Yadav R/o village- Chhotki Nima, P.S.-  
Moffassil, District- Gaya
  4. Baudha Yadav S/o Ramashish Yadav R/o village- Chhotki Nima, P.S.-  
Moffassil, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Kumari Wife of Dinesh Paswan Resident of village-Chhoki Nima,P.S.-  
Moffassil,District-Gaya

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Manish Kumar No2, Adv  
For the Respondent/s : Mr. Binay Krishna, APP

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

3      21-12-2022              Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

Office pointed out that the notice has been validly served  
upon the respondent no.2, but nobody appears on her behalf.

This is an appeal under section 14(A) 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 for anticipatory bail vide order dated  
15.02.2020, passed by learned Exclusive Special Judge, SC/ST



Act, Gaya in connection with Moffasil P.S. Case no.457 of 2019, registered under sections 341, 342, 323, 504, 506, 354, 307, 147 and 149 of the IPC and sections 3(i)(r)(s), 3(2)(va) of the SC and ST Act, Gaya.

The allegation against the appellants is that they alongwith other co-accused persons assaulted respondent no.2 and his brother while they were going to attend *shradh* ceremony of their maternal grandfather. It is also alleged that the accused persons abused the informant by taking her caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is no specific overt act against the appellants. He submits that both the parties are co-villagers and there is a long dispute with respect to drainage is going on between them. He further submits that several similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate bench of this court vide order dated 22.02.2021 passed in Cr. App (SJ) No.1263 of 2020. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



anticipatory bail.

Considering the facts and circumstances of the case, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. 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 Moffasil P.S. Case no.457 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

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