

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No. 1484 of 2021**

Arising Out of PS. Case No.-139 Year-2020 Thana- ATRI District- Gaya

1. Ajeet Yadav @ Ajit Kumar Son Of Bhim Yadav @ Bhim Prasad Resident Of Village- Phul Bigha, P.S.- Atri, District- Gaya.
2. Mahesh Yadav Son Of Arjun Yadav Resident Of Village- Kajur, P.S.- Atri, District- Gaya.
3. Sanjeet Yadav @ Sanjeet Kumar Son Of Ram Swroop Yadav Resident Of Village- Phul Bigha, P.S.- Atri, District- Gaya.
4. Lalan Prasad Yadav @ Lalan Yadav Son Of Rameshwar Yadav Resident Of Village- Phul Bigha, P.S.- Atri, District- Gaya.
5. Kishori Prasad Yadav @ Kishori Yadav Son Of Chandeshwar Prasad Yadav Resident Of Village- Phul Bigha, P.S.- Atri, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar, Advocate  
For the Respondent/s : Mr. Special P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

2      24-11-2022                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor.

The present appeal is directed against the order dated 02.07.2020 passed by learned Exclusive Special Judge-SC/ST, Gaya in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of the SC/ST, Act whereby anticipatory bail of the appellants have been rejected.

It is a case of assault, intimidation and abuse to the informant, being a member of SC/ST community.



It is submitted by learned counsel for the appellants that the provision of SC/ST Act is not attracted because there is no intention of the appellants to insult the informant who is a member of the SC/ST community and from perusal of the prosecution case, it appears that there is no whispering about the fact that the appellants assaulted upon the informant being a member of SC/ST community by calling his caste name, as alleged in the FIR.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 02.07.2020 passed in ABP No.97 of 2020 is hereby set aside.

The appellants are directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Atri P.S. case No. 139 of 2020.

**(Sunil Kumar Panwar, J)**

Brajesh Kumar/-

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