

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4704 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- FORBESGANJ District- Araria

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1. VIKASH YADAV @ VIKASH KUMAR YADAV Son of Yogendra Yadav Resident of Village- Mahesh Murhi, Ward No. 08, P.S.- Forbesganj, District- Araria.
 2. Vikash Yadav @ Vikash Kumar Yadav Son of Rajendra Yadav @ Rajanand Yadav Resident of Village- Mahesh Murhi, Ward No. 08, P.S.- Forbesganj, District- Araria.
 3. Anil Yadav @ Anil Kumar Yadav Son of Rajendra Yadav Resident of Village- Mahesh Murhi, Ward No. 08, P.S.- Forbesganj, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr Gayannand Chaupal son of Late Ishwar Dayal Das R/o vill- Forbishganj, Ward no- 25 Dwiyydeen, smarak High school P.S- Forbishganj Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ramesh Kumar Singh
For the Respondent/s	:	Mrs.Usha Kumari 1
		Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2022 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no. 2.

The present appeal has been filed against order dated 18.11.2021 passed by learned A.D.J.-I-cum-Special Judge, Araria in Spl. (SC/ST) Case No. 07 of 2021, arising out of Forbesganj P.S. Case No. 60 of 2021, registered for the offence punishable under Section 307 & other allied sections of the Indian Penal Code, Section 3 / 4 of Bihar Medical Service



Protection Act and Section 3(1)(r)(s) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, 16 F.I.R. named accused persons including these appellants and 50 unknown persons, after forming unlawful assembly armed with *lathi-danda*, iron rod, came at the clinic of informant and abused him with his caste name. It is further alleged that accused persons also assaulted the staffs of the hospital, as a result of which, some of the staffs got injured.

Learned counsel for the appellants submits that from perusal of the F.I.R., it is apparent that general and omnibus allegation has been levelled against appellants and no specific overt act has been alleged against them. Insult caused to the informant is not based on caste and as such, no case under the SC/ST Act is made out. He further submits that the matter has been settled between the parties and to this effect, a joint compromise petition has already been filed before the court below.

The aforesaid submission was not disputed by learned counsel for the respondent no. 2.

Considering the nature of accusation, materials



available on record and submissions made on behalf of the parties, the impugned order dated 18.11.2021 is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellants be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge, Araria in connection with Spl. (SC/ST) Case No. 07 of 2021, arising out of Forbesganj P.S. Case No. 60 of 2021.

(Prabhat Kumar Singh, J)

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